



WASHINGTON
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**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

FRIDAY, AUGUST 8, 2014

**AOC SEATAC OFFICE
SEATAC, WASHINGTON**

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION SCHEDULE OF BOARD MEETINGS

2014-2015

<i>DATE</i>	<i>TIME</i>	<i>MEETING LOCATION</i>
Friday, July 11, 2014	12:30 – 3:30 p.m.	AOC SeaTac Office Center
Friday, Aug. 8, 2014	12:30 – 3:30 p.m.	AOC SeaTac Office Center
Sunday, Sept 21, 2014	9:00 – 12:00 noon	2014 Annual Judicial Conference, Spokane, WA
Friday, Nov. 14, 2014	12:30 – 3:30 p.m.	AOC SeaTac Office Center
Friday, Dec. 12, 2014	12:30 – 3:30 p.m.	AOC SeaTac Office Center
Friday, Jan. 9, 2015	12:30 – 3:30 p.m.	AOC SeaTac Office Center
Friday, Feb. 13, 2015	12:30 – 3:30 p.m.	AOC SeaTac Office Center
Friday, March 13, 2015	12:30 – 3:30 p.m.	AOC SeaTac Office Center
Friday, April 10, 2015	12:30 – 3:30 p.m.	AOC SeaTac Office Center
May 2015	TBD	
June 2015	TBD	

AOC Staff: Sharon Harvey

(AOC Conference Room Reserved)

Updated: July 21, 2014



WASHINGTON
COURTS

DMCJA BOARD MEETING
FRIDAY, AUGUST 8, 2014
12:30 P.M. – 3:30 P.M.
AOC SEATAC OFFICE
SEATAC, WA

PRESIDENT JUDGE VERONICA ALICEA-GALVAN

A G E N D A

TAB

Call to Order

General Business

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- A. Minutes – July 11, 2014
- B. Treasurer's Report – *Judge Ahlf*
- C. Special Fund Report – *Judge Marinella*
- D. JIS Status Update – *Vicky Cullinane*

Liaison Reports

DMCMA MCA SCJA WSBA WSAJ AOC BJA

Action

2

- A. Electronic Law Enforcement Interface for Acquisition of Search Warrants (ELIAS) Charter Review
- B. Judicial Needs Estimate (JNE) Workgroup Recommendations Vote
- C. Rules Committee – *Judge Garrow*
 - 1. Proposed CrRLJ 3.2 (o) Amendment Regarding *Comment* Section
- D. Judicial Information System (JIS) Standard Comments

Discussion

3

- A. DMCJA Public Disclosure Commission (PDC) Complaint – *Judge Meyer*
 - 1. Correspondence Regarding PDC Conclusion
 - 2. Jeffrey S. Meyers, Esquire is DMCJA Counsel for PDC Issue
- B. Revised DMCJA Board Meeting Schedule Based on Survey Results
 - 1. 2014-2015 DMCJA Board Meeting Schedule
 - 2. October 2014 Off-Site Meeting Survey
- C. Salary and Benefits Work Group Funding
 - 1. 2014-2015 Salary and Benefits Work Group Roster
- D. Judicial Independence Survey Results

Other Business

- A. Next Meeting: 9:00 AM, Sunday, September 21, 2014, Spokane, WA

Adjourn



WASHINGTON
COURTS

DMCJA Board of Governors Meeting
Friday, July 11, 2014, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office

MEETING MINUTES

Members:

Chair, Judge Alicea-Galvan
Judge Ahlf
Judge Burrowes
Judge Garrow (non-voting)
Judge Gehlsen
Judge Jahns
Judge Jaspica (non-voting)
Judge Lambo (non-voting)
Judge Marinella
Judge Meyer
Commissioner Noonan
Judge Olwell
Judge Ringus (non-voting)
Judge Robertson
Judge Smith
Judge Staab
Judge Steiner
Judge Svaren

Guests:

Judge Harold D. Clarke, III, SCJA
Judge David Larson
Former Judge Scott Bergstedt
Ms. Suzanne Elsner, DMCMA
Ms. Deena Kaelin, MCA
Ms. Shelly Baldwin, WTSC
Detective Christopher Leyba, Seattle PD

AOC Staff:

Mr. Dirk Marler
Ms. Vicky Cullinane
Ms. Charlotte Jensen
Ms. J Krebs
Ms. Sharon R. Harvey

President Alicea-Galvan noted a quorum was present and called the District and Municipal Court Judges' Association (DMCJA) Board of Governors (Board) meeting to order at 12:30 p.m. Judge Alicea-Galvan then asked all present to introduce themselves.

GENERAL BUSINESS

Minutes

The Board motioned, seconded, and passed a vote (M/S/P) to approve the Board Meeting Minutes dated June 8, 2014.

Treasurer's Report

M/S/P to approve the Treasurer's Report. This will be the last report from Judge Marinella, who is now the DMCJA Vice-President.

Special Fund Report

M/S/P to approve the Special Fund Report. Judge Marinella transferred Special Fund monies from Bank of America to Washington Federal Bank on June 20, 2014. Since the transfer of banks, the Special Fund has earned two dollars and nineteen cents (\$2.19) in interest. There is currently forty-eight thousand five hundred forty-three dollars and ninety-eight cents (\$ 48,543.98) in the Special Fund account.

Standing Committee Reports

Judge Robertson reported that the Rules Committee meeting was canceled. Judge Meyer reported that a Public Disclosure Commission (PDC) issue, which would be addressed during the discussion section of the meeting, may have an impact on the Legislative Committee.

JIS Status Update

Ms. Vicky Cullinane reported that the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) project is moving forward. The first meeting for the Court User Work Group (CUWG) is July 30-31, 2014 in SeaTac, WA. The Judicial Information System Committee (JISC) voted to approve the DMCJA request to amend the CUWG Charter to include a non-voting DMCJA representative from a court that has not expressed an intent to use the statewide case management solution provided by the Administrative Office of the Courts (AOC).

Ms. Cullinane also reported that the JISC passed the JIS Standard on June 27, 2014. A copy of the standard is in the board materials. The JISC is providing two additional comment periods for stakeholders. A notification was sent to the DMCJA President and the presiding judges and administrators of all courts that have or are planning to use their own case management systems. The JISC expects to receive all comments by August 2014 and make any adjustments to the JIS Standard at their September 2014 meeting.

LIAISON REPORTS

DMCMA – Ms. Suzanne Elsner reported that she is the new President of the District and Municipal Court Management Association (DMCMA).

MCA – Ms. Deena Kaelin reported that Skip Stover, Chelan County District Court Probation, is the new President of the Misdemeanor Corrections Association (MCA).

SCJA – Judge Harold D. Clarke, III reported that he is the new Superior Court Judges Association (SCJA) President-Elect and informed that the next SCJA Board meeting is Saturday, July 12, 2014.

AOC – Mr. Dirk Marler informed the Board that July 11th is the birthday of 7-11 convenient stores, which will offer a free 3 oz. Slurpee to customers on its birthday.

BJA – Judge Ringus reported on the status of forms for General Rule (GR) 31.1, which is an action item on the next Board for Judicial Administration (BJA) agenda. Judge Ringus is hopeful the Board will have seen the GR 31.1 forms in time for the budget meeting on July 30, 2014. The BJA has created Charters for standing committees. Judge Ahlf informed Judge Ringus that the GR 31.1 Implementation Executive Oversight Committee has more documents for the BJA to review.

ACTION

M/S/P to make an action item, *West v. Washington State Association of District and Municipal Court Judges, et al.* M/S/P to authorize Judge Alicea-Galvan and Judge Meyer to retain Jeffrey S. Meyers, Esquire as counsel for the Public Disclosure Commission (PDC) issue.

M/S/P to make an action item, DMCJA Seniority List. M/S/P to include Commissioners and Magistrates on the DMCJA Seniority List.

DISCUSSION

A. Electronic Law Enforcement Interface (ELIAS)

M/S/P to make ELIAS an action item at the next Board meeting on August 8, 2014.

The Board viewed a video of a King 5 news segment in which Detective Christopher Leyba and former Judge Scott Bergstedt promoted the electronic warrant (eWarrant) system known as ELIAS. Prior to the showing of the King 5 news video, Detective Leyba stated that King 5 will retract calling ELIAS a “database” because the terminology is inaccurate. Mr. Bergstedt informed the Board that ELIAS is good and efficient. Detective Leyba

accepted personal responsibility for all miscommunication regarding ELIAS materials, namely, not sending the DMCJA Board ELIAS materials created in May 2014. All language in materials not approved by the DMCJA Board have been taken out, according to Detective Leyba. Mr. Bergstedt will work with Commissioner Howard and Judge Larson, DMCJA liaisons to the Washington Traffic Safety Commission (WTSC) eWarrants Initiative Workgroup, because Detective Leyba does not want any more miscommunication issues. There will be further review to resolve issues with the Project Charter. ELIAS priorities will be reorganized on October 1, 2014, and, rollout will be November 1, 2014.

Detective Leyba presented to the Board a slide show regarding the ELIAS application relating to data flow and retention. The presentation stated the process of the ELIAS system, which is also reflected in the DMCJA Meeting Minutes dated April 11, 2014. The Board discussed concerns with the ELIAS system and Detective Leyba stated that he would work with the Board to design a system that is valuable to judges. Detective Leyba requested the Board review the ELIAS Project Charter and tell Detective Leyba what the Board would like for him to do. Judge Larson stated that he would make sure the WTSC eWarrants Initiative Workgroup reports its activities to the entire Board.

B. JNE Workgroup Report

M/S/P to make this issue an action item at the next DMCJA Board meeting on August 8, 2014. Judge Jahns reported that the Judicial Needs Estimate (JNE) Workgroup was initiated by Judge Sara Derr in order to track the amount of cases CLJs adjudicate. The JNE Workgroup requested that each DMCJA Board member review the information in the *Judicial Needs Estimate Workgroup Recommendations* packet and vote on the recommendations at the next DMCJA Board meeting on August 8, 2014.

C. Judicial Independence

Judge Marinella reported to the Board that there has been no update regarding a survey follow-up submitted by the DMCJA Workgroup tasked with assessing whether judicial independence is impinged by the relationship between Washington cities and their part-time municipal court judges. AOC staff, J Krebs and Sharon R. Harvey, stated that they would research the issue and present the findings at the next DMCJA Board meeting on August 8, 2014.

D. Rules Committee

1. Proposed CrRLJ 3.2 (o) Amendment regarding *Comment* Section.

M/S/P to make this an action item at the next Board meeting on August 8, 2014. Ms. Krebs explained that the Rules Committee only added a comment to Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 32 (o). The Board discussed sending the issue back to the Rules Committee to state the reason for recommending a comment change instead of a Rule change.

E. DMCJA Seniority List

1. Correspondence from Magistrate and Judge Pro Tempore Adam C. Eisenberg

M/S/P to make this an action item. The Board discussed including Magistrates and Commissioners to the DMCJA Seniority List that is disseminated at each DMCJA Spring Conference.

INFORMATION

- A. *West v. Washington State Association of District and Municipal Court Judges, et al.*
 1. Order Granting Motion for Summary Judgment
 2. Order Denying Motion to Recuse
 3. Order Continuing Hearing and Awarding Terms to Defendant

M/S/P to make this an action item. Judge Meyer informed the Board that the DMCJA was successful on its Motion for Summary Judgment. Judge Meyer stated that both Tony Perkins and Phillip E. Stutzman of the PDC are of the position that some judge activity is considered lobbying and questioned Judge Meyer as to whether the judges qualified for an exemption to reporting lobbying activities. Judge Meyer stated that former DMCJA Presidents, Judge Svaren and Judge Derr, have iterated to the PDC that the Commission has no authority over the Judicial Branch, and, therefore, judges need not report such activities. The Board discussed provisions under Revised Code of Washington (RCW) 3.70.010, which established the DMCJA.

B. Trial Court Security Committee

Judge Robertson informed the Board that the Trial Court Security Committee met on June 23, 2014 and discussed various issues relating to court security.

C. National Scholarship Award Not Needed

1. Correspondence from Judge Riehl

The Board was informed that Judge Riehl would not be using the National Scholarship Award money because the program he planned to attend was canceled.

D. Judicial Information System (JIS) Standard and Court User Workgroup Charter (CUWG)

The Board was informed of the JIS Standard and the revised CUWG Charter.

E. Normandy Park Delegation YMCA Youth & Government Thank You Notes

The Board was informed that the Normandy Park Delegation YMCA Youth & Government group sent individualized thank you notes to DMCJA members who participated in the program.

OTHER BUSINESS

A. Next Board Meeting will be held on August 8, 2014, 12:30 p.m. to 3:30 p.m., at the AOC Office in SeaTac, Washington.

ADJOURNED at 3:05 p.m.

District and Municipal Court Judges' Association

July 22, 2014

President

JUDGE VERONICA ALICEA-GALVAN
Des Moines Municipal Court
21630 11th Ave S, Ste C
Des Moines, WA 98198
(206) 878-4597

President-Elect

JUDGE DAVID STEINER
King County District Court
585 112th Ave. S.E.
Bellevue, WA 98004
(206) 477-2102

Vice-President

JUDGE G. SCOTT MARINELLA
Columbia County District Court
535 Cameron St
Dayton, WA 99328-1279
(509) 382-4812

Secretary/Treasurer

JUDGE SCOTT K. AHLF
Olympia Municipal Court
900 Plum St SE
PO Box 1967
Olympia, WA 98507-1967
(360) 753-8312

Past President

JUDGE DAVID A. SVAREN
Skagit County District Court
600 S 3rd Street
PO Box 340
Mount Vernon, WA 98273-0340
(360) 336-9319

Board of Governors

JUDGE JOSEPH M. BURROWES
Benton County District Court
(509) 735-8476

JUDGE MICHELLE K. GEHLSEN
Bothell Municipal Court
(425) 487-5587

JUDGE JEFFREY J. JAHNS
Kitsap County District Court
(360) 337-4972

JUDGE SAMUEL MEYER
Thurston County District Court
(360) 786-5562

COMMISSIONER SUSAN J. NOONAN
King County District Court
(206) 477-1720

JUDGE KELLEY C. OLWELL
Yakima Municipal Court
(509) 575-3050

JUDGE REBECCA C. ROBERTSON
Federal Way Municipal Court
(253) 835-3000

JUDGE HEIDI SMITH
Okanogan County District Court
(509) 422-7170

JUDGE TRACY A. STAAB
Spokane Municipal Court
(509) 625-4400

To: President Alicea-Galvan; DMCJA Officers; DMCJA Board of
Governors
From: Scott Ahlf, DMCJA Treasurer
Subject: Monthly Treasurer's Report for July, 2014

Dear President Alicea-Galvan, Officers and Members of the DMCJA Board of
Governors:

The following is a summary of the total DMCJA accounts, expenditures and
deposits, as well as an update regarding the finances of our association.

ACCOUNTS

US Bank Platinum Business Money Market Account
Fund Balance - \$100,431.27 , as of June 30, 2014

Bank of America Accounts:
Investment Account - \$159,074.25, as of June 30, 2014
Checking Account - \$8,312.86, as of June 30, 2014

EXPENDITURES

Total 2014/2015 adopted budget:	\$224,400.00
Total expenditures to date (7-22-14):	\$ 41,403.50
Total remaining budget as of July 22, 2014:	\$182,996.50

DEPOSITS

Total deposits 2014/2015:	\$ 0.00
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DMCJA 2014-2015 Budget

ITEM COMMITTEE	Beginning Balance	Total Costs	Ending Balance
Access to Justice Liaison	\$500.00	\$0.00	\$500.00
Audit	\$2,000.00	\$0.00	\$2,000.00
Bar Association Liaison	\$5,000.00	\$0.00	\$5,000.00
Board Meeting Expense	\$30,000.00	\$1,687.52	\$28,312.48
Bookkeeping Expense	\$3,000.00	\$175.00	\$2,825.00
Bylaws Committee	\$250.00	\$0.00	\$250.00
Conference Committee	\$3,500.00	\$0.00	\$3,500.00
Conference Incidental Fees For Members Spring Conference 2014	\$40,000.00	\$36,285.00	\$3,715.00
Diversity Committee	\$2,000.00	\$0.00	\$2,000.00
DMCMA Education	\$0.00	\$0.00	\$0.00
DMCMA Liaison	\$500.00	\$0.00	\$500.00
DOL Liaison Committee	\$500.00	\$0.00	\$500.00
Education Committee**	\$8,500.00	\$0.00	\$8,500.00
Educational Grants	\$5,000.00	\$1,000.00	\$4,000.00
Judicial Assistance Committee	\$5,000.00	\$220.20	\$4,779.80
Legislative Committee	\$6,000.00	\$0.00	\$6,000.00
Legislative Pro-Tem	\$2,500.00	\$0.00	\$2,500.00
Lobbyist Expenses	\$1,000.00	\$0.00	\$1,000.00
Lobbyist Contract	\$55,000.00	\$2,000.00	\$53,000.00
Long-Range Planning Committee	\$1,500.00	\$0.00	\$1,500.00
MCA Liaison	\$1,500.00	\$0.00	\$1,500.00
National Leadership Grants	\$5,000.00	\$0.00	\$5,000.00
Nominating Committee	\$400.00	\$0.00	\$400.00
President Expense	\$7,500.00	\$135.78	\$7,364.22
Reserves Committee	\$250.00	\$0.00	\$250.00
Rules Committee	\$1,000.00	\$0.00	\$1,000.00
Salary and Benefits Committee	\$0.00	***Not Funded	\$0.00
SCJA Board Liaison	\$1,000.00	\$0.00	\$1,000.00
Technology/CMS Committee	\$7,500.00	\$0.00	\$7,500.00
Therapeutic Courts	\$2,500.00	\$0.00	\$2,500.00
Treasurer Expense and Bonds	\$1,000.00	\$0.00	\$1,000.00
Trial Court Advocacy Board	\$5,000.00	\$0.00	\$5,000.00
Judicial Community Outreach	\$4,000.00	\$0.00	\$4,000.00
Uniform Infraction Committee	\$1,000.00	\$0.00	\$1,000.00
Professional Services	\$15,000.00	\$0.00	\$15,000.00
TOTAL	\$224,400.00	\$41,503.50	\$182,896.50
TOTAL DEPOSITS MADE	\$0.00		
CREDIT CARD (balance owing)	\$0.00		
***funding will come from special funds			

CREDIT CARD BALANCE

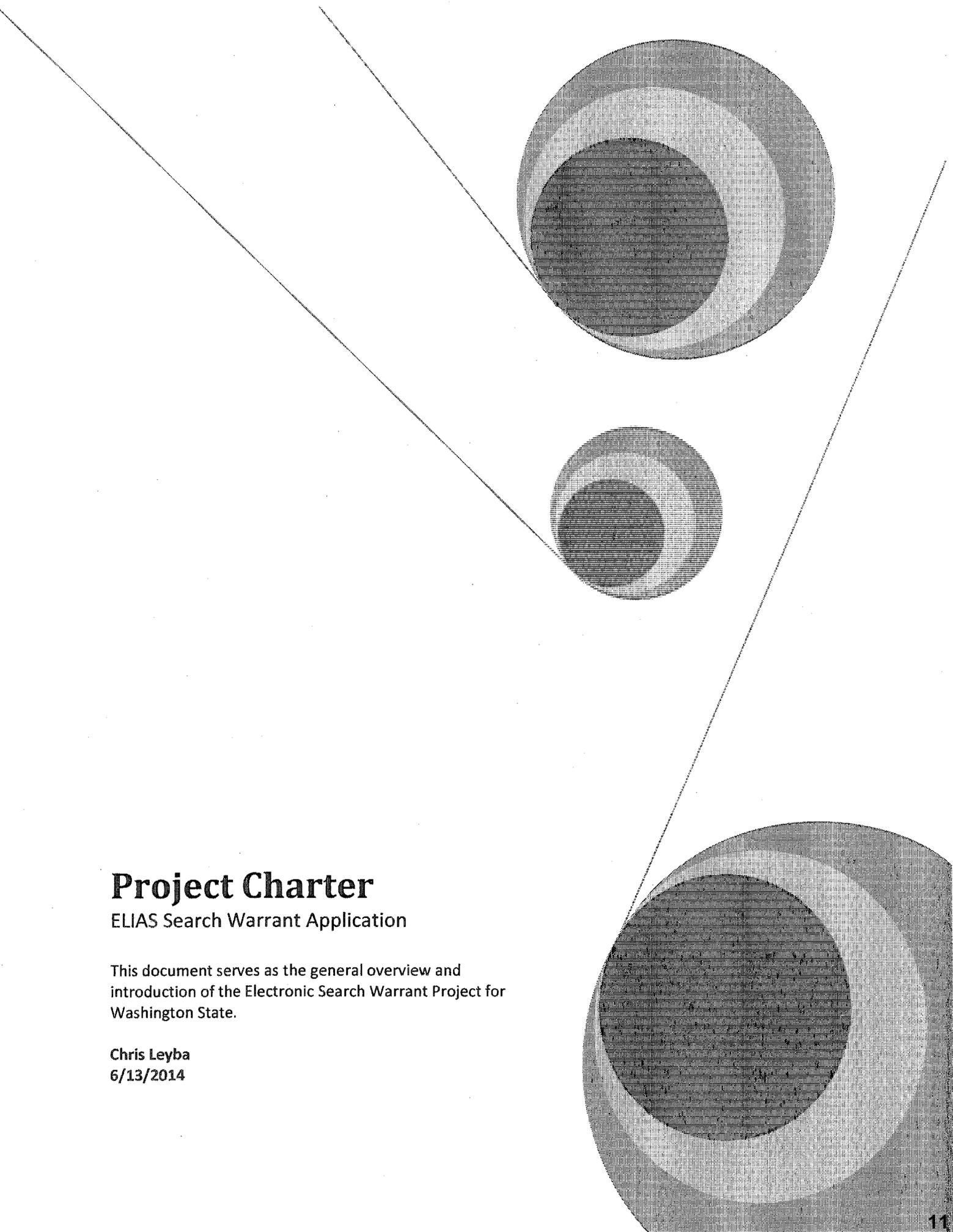
Date	Chk. #	Line Item#	Item Committee	Payment	Charge	Balance
			July Statement Amount			\$674.73
7/15/2014	H7JH6-KHKFR	Board Meeting	Great Blue Herron Grill - Board Retreat	\$674.73		\$0.00
						\$0.00

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Dayton, WA 99328
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f: 509-382-4338
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ACCT# [REDACTED] HISTORY INQUIRY 07/24/14 10:07 1 OF 1 STOP

Date	TRD	Amount	Balance	eller	STAT	NOO	DESCRIPTION
01 06/29/14	DEP	48,541.79	48,541.79	332	0679		
02 06/30/14	INT	2.19	48,543.98	080	0080		
03 07/02/14	WDL	10.95	48,533.03	080	0001	WF	HARLAND CLARKE
	ENDING BAL		48,533.03				



Project Charter

ELIAS Search Warrant Application

This document serves as the general overview and introduction of the Electronic Search Warrant Project for Washington State.

Chris Leyba
6/13/2014

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1. Project Title and Description

The **ELIAS Search Warrant Application** project will create a streamlined and standardized system for the acquisition and issuance of search warrants in Washington State. The project will provide a web-based, fully electronic system for officers, prosecutors, and judges in Washington to develop, review, serve, and file search warrants throughout various levels of government and within the criminal justice system.

2. Project Manager Assigned and Authority Level

Chris Leyba is assigned as the project manager. The project manager is delegated the authority to achieve the stated project objectives by acquiring the needed resources, communicating with all current and future identified project stakeholders (regardless of their position in their respective organizations), communicating with vendors as part of procurements, overseeing the project's budget, reporting all progress to the sponsoring agency, and other necessary to complete the project. The project manager will make decisions that support the best interests of the project and support the project's objectives.

3. Business Case

This project supports the Washington Traffic Safety Commission's goal of maintaining high levels of enforcement for impaired driving within the State of Washington. The project is designed to incentivize the acquisition of a search warrant for blood evidence in impaired driving cases by developing an intuitive and simple means by which all stakeholders in the criminal justice system conduct themselves through the warrant process. Additionally, this project will establish uniform practices, formats, and chains of custody for search warrant acquisition across Washington State, a best practice model that will eliminate legal issues or challenges between differing jurisdictions.

4. Pre-assigned Resources

The following table lists the resources which have been pre-assigned to this project. Other needed resources will be identified and negotiated for by the project manager.

Name	Business Area	Role
Debi Besser	WTSC Traffic Records Manager	WTSC Representative
Shelly Baldwin	WTSC Impaired Driving Manager	WTSC Representative
Chris Leyba	Seattle Police Department	Project Manager
Courtney Popp	Traffic Safety Resource Prosecutor	Assistant Project Manager, WAPA liaison
Scott Bergstedt	WA Judge's Association Liaison	Judicial Implementation Liaison
Pat Ramsdell	Applications Support Unit Manager, WSP	Technical Supervisor
Moses Garcia	Traffic Safety Resource Prosecutor	State prosecutor liaison, Washington West
Stephanie Olsen	Spokane County Prosecutor's Office	State prosecutor liaison, Washington East

5. Stakeholders

Attachment A, the **Stakeholder Register**, includes the complete list of people who might be impacted by this project. Of those, the following are the currently known key stakeholders and their roles in this project:

Name	Business Area	Role
Darrin Grondell	Washington Traffic Safety Commission Director	Executive Sponsor – Oversees funding strategies, project direction, and supervises decisions and recommendations implemented by project manager. Resolves any disputes between stakeholders
Chris Leyba	Seattle Police Department	Project Manager – Manages project tasks and delegates responsibilities amongst project team. Coordinates introductions of the application across the law enforcement and judicial communities. Ensures project deliverables and timelines are met. Determines risks and manage risk mitigation as issues arise along the project development timeline.
Tom Wallace	Washington State Patrol Information Technology Division	Project Technical Supervisor – Oversees development of the application by vendor, Ensures that vendor complies with state security and IT standards and meets the business requirements of the Washington State Patrol.
Andrew McCurdy, Michael Frye	King County Sherriff’s Office (KCSO)	Application Development Team - This application will be developed under an inter-agency agreement between

	<p>Washington State Patrol and KCSO. This role serves as the business supervisor of work done under this agreement, and supervises development, reporting deadlines to the project manager, etc.</p>
<p>Dirk Marler</p>	<p>Director, Judicial Services Division, AOC</p> <p>Administrative Office of the Courts Liaison – Provides feedback and suggestions to the structure and design of the system.</p>

6. Stakeholder Requirements (as Known)

The following table reflects the high-level requirements of this project as known to-date and is provided to facilitate the reader's understanding of the scope of this project.

Function	Description
Establish Web Based Access System	Establish a web service using the latest technology standards and protocols which can be called by any application with connectivity to the internet.
Collaborative Effort With WA Criminal Justice	The web system will meet the general standards and legal and administrative needs of judges, law enforcement officers, and county prosecutors across the state
Availability	The web service must be available 99.999% percent of the time. Outages must be identified instantly via automated monitoring. Restoration of service is expected within 60 minutes of the start of an outage.
Legality	This project must provide a search warrant protocol that complies with all Washington state laws and court rules.
Future Integration Structure and Capability	AOC has pre-determined that they have no anticipated timeline for a potential electronic bridge between this application and the court Judicial Information System (JIS). However, AOC requests that they be briefed on the structure and capabilities of this system and its data business flow, as the potential exists that at some point in the future there may be an interest in establishing integration into their updated system.

7. Product Deliverables, Roles and Responsibilities

Project Manager Responsibilities

1. Facilitate conceptual introduction of the goals and expectations of the project to various agencies across the state, to include but not limited to:
 - Administrative Office of the Courts
 - Washington State Patrol
 - King County Sherriff's Office
 - District and Municipal Court Management Association and District and Municipal Court Judge's Association boards of membership
 - Various Prosecuting Attorney's Offices across Washington State
 - Washington State law enforcement agencies
2. Report directly to the Project sponsor on project progress, milestones, and risks. Prepare biweekly reports on project status, vendor progress, etc., as outlined in the project timeline.
3. Facilitate the introduction of the project to the law enforcement development team, and manage development of training curriculum and training implementation.
4. Gain state-wide interest and compliance with integration of the application across multiple jurisdictions by attending and presenting at state training events, such as the Impaired Driver Training Symposium.

Washington State Patrol Responsibilities

1. Review technology development standards/system requirements and assist in drafting the business requirements, rules, and standards for the project.
2. Participate in the execution of the provisions within this project charter and supporting documentation related to this project.
3. Assist project manager in oversight of the vendor performance and remain in contact and partnership with the vendor as the application is developed.
4. Communicate project status, including advising on timeline feasibility for the pilot testing phase, to the project manager.

Administrative Office of the Courts Responsibilities

1. Review briefings and documentation within the project and provide feedback and suggestions as the project is carried out.
2. Assist DMCMA and DMCJA in maintaining representation and advisory status throughout the course of the project.

King County Sherriff's Office Responsibilities

1. Build and develop the framework for the ELIAS application, as required by the standards outlined in the Washington State Patrol development guidelines.

2. Maintain constant contact and collaboration with WSP Information Technology Division (ITD) to provide updates, answer question, integrate feedback into the application, etc.
3. Provide weekly briefings to the project manager as to the status of the product development, as required in the project timeline.
4. Deliver the application in accordance with the timeline designated by Washington State Patrol.
5. Work with WSP ITD to counter any risks that arise during the application development.

Project Team Responsibilities

1. Assist the project manager with delegated requests to present information about the application to various agencies across the state.
2. Provide feedback and suggestions to the project manager as they arise.
3. Assist in development of training curriculum for officers and judges during the post-development phase of the project.
4. Assist in initial roll out of training and implementation of the ELIAS application across various jurisdictions during the post-testing phase of the project.
5. Attend various meetings between law enforcement agencies and the project development team to elicit feedback from pilot agencies and their local prosecutor's offices to ensure that legal standards are complied with during the pilot phase.

Anticipated Project Outcomes

1. A working web service that operates per the identified requirements.
2. A secured repository that temporarily store the chain of custody for all drafts, revisions, and final copies of all documents generated in the warrant acquisition process.
3. A simple, user friendly, and visually appealing Graphic User Interface (GUI) that will provide a comfortable means of warrant generation.
4. An intuitive, guided, and chronological data entry system that easily assists law enforcement officers in providing all necessary information in the warrant generation process.
5. A simple, universal delivery system that will be easy to access for judges.
6. A secured access protocol that will ensure that any legal challenges to chain of custody for the warrant process are rendered insignificant.

8. Measurable Project Objectives

The following are the objectives of this project:

1. Acquire the Utah State CJIS warrant application and determine if the coding is viable for Washington State purposes.

2. Determine a vendor that will be capable of making necessary modifications to the Utah CJIS program and/or develop a viable web based system.
3. After 6 months in production, the product must demonstrate a 99.999% reliability rate as measured by an approved technical monitoring tool.
4. Regular status reports from the vendor and technical team will be provided to the project manager throughout the development process. The project manager will provide administrative support and guidance towards completion of product for funding by August 27, 2014.
5. The development stage will commence by Fall of 2014. Production and testing will last approximately 6 months. The testing phase will involve, at a minimum, two law enforcement agencies and approximately 2-4 judges within their respective jurisdictions.

9. Project Approval Requirements

Source code Ownership and Maintenance

Ownership and control of the source code for the ELIAS application will be transferred to Washington State Patrol from the vendor once the project is completed. The application source code shall be maintained by the WSP's Information Technology Division in accordance with the stipulations of the license agreement with the vendor.

Integration and Use of the ELIAS Application

ELIAS will be governed and maintained at an administrator level by the Washington State Patrol. All law enforcement agencies, courts, and prosecuting attorneys offices will be required to comply with state security and other information technology standards to be granted access and use of the system.

User Access - ELIAS

Law Enforcement

The training and development team, composed of law enforcement officers from the Washington State Drug Recognition Expert Program, will be responsible for development and implementation of the training curriculum for:

- User basic, ELIAS law enforcement
- User advanced, ELIAS law enforcement (agency administrators)

The user basic training will be developed alongside development of the ELIAS application and user advanced will be developed in conjunction with application development and testing.

Once the application is released for state-wide implementation, all law enforcement personnel who wish to use the system will be required to complete, at minimum, user basic training prior to being issued credentials by the Washington State Patrol.

Judges

The project manager will work with liaisons from DMCMA and DMCJA during the development phase of the project to develop training curriculum for:

- User basic, ELIAS judicial
- User advanced, ELIAS judicial (court administrators)

The user basic training will be developed alongside development of the ELIAS application and user advanced will be developed in conjunction with application development and testing.

Once the application is released for state-wide implementation, all judicial personnel who wish to use the system will be required to complete, at minimum, user basic training prior to being issued credentials by the Washington State Patrol.

Documentation and General Requirements

The Approvals for this project include:

1. A final Project Management Plan which includes the performance management baseline must be approved by the project sponsor before project execution begins.
2. Top-level physical design must be approved by the Project Technical Supervisor (PTS) and Project Technical Advisor.
3. Overall physical design must be approved by the PTS prior to development of the system.
4. Final acceptance of the product will be made by spring 2015.

10. High Level Project Risks

An initial, high level review has revealed the following risks to this project. These risks will be used as an input to further risk management for this project where they will be prioritized and qualified with risk response plans created as appropriate.

- The State of Utah already has a well developed and tested protocol for electronic search warrants. The project will attempt to gather their resources and hopefully “piggy-back” off of their code to save time and resources.
- AOC has no timeline, resources, or technical assistance capability to support this project at this time. The development team must work on the data transmission protocol for this project with the idea that an electronic routing system will not be available to any court currently using JIS for their court case management.
- Many jurisdictions have different levels and platforms of technology that they are confined to using for their business practices. The ELIAS application must be developed with a greater level of flexibility and cross platform capability.

11. Revision History

[

Version	Date	Description	Name
1.0	11/13/2013	Initial Draft	Chris Leyba
2.0	03/14/2014	Final Draft	Chris Leyba
3.0	06/13/2014	Final Revised Draft	Chris Leyba

ELIAS Search Warrant Application

Project Charter

6/13/2014

This Project Charter represents an agreement between the Project Team and the principle sponsors of the ELIAS Search Warrant Application Project. My signature indicates that I have reviewed the Project Charter and concur with its contents. (signatures will be collected through the approval workflow process.)

Darrin Grondell
Project Sponsor
Director, Washington Traffic Safety
Commission

Assistant Chief Shawn Berry
Business Manager
Technical Services Bureau, Washington State
Patrol

Chris Leyba
Project Manager
Seattle Police Department

Tom Wallace
Technology Supervisor
Chief Technology Officer, Washington State
Patrol

Dirk Marler
AOC Representative
Director, Judicial Services Division, AOC

KING COUNTY DISTRICT COURT
East Division – Redmond Courthouse

Judge Janet E. Garrow
Janet.Garrow@kingcounty.gov
206-477-2103

8601 – 160th Avenue NE
Redmond, WA 98052

Kathy Orozco, Court Manager
Redmond Courthouse
206-477-3200

TO: President Veronica Alicea-Galvan and DMCJA Board

FROM: Judge Janet E. Garrow, Chair, DMCJA Rules Committee

SUBJECT: Proposal to Add a Comment to CrRLJ 3.2(o) Due to Recent Legislation

DATE: July 1, 2014

Recent legislative changes to a DUI statute now require a police officer, under certain circumstances, to hold a person arrested for a DUI or Physical Control offense until released by a judicial officer on bail, personal recognizance or order. As this requirement conflicts with the Uniform Bail Schedule contained in CrRLJ 3.2(o) for gross misdemeanor offenses, the DMCJA Rules Committee recommends a comment be added to CrRLJ 3.2(o) advising judges, attorneys and the public of this statutory change.

A more detailed recommendation, and the text of the proposed comment, are set forth in the attached GR 9 Cover Sheet. Because the legislation has already taken effect, the Rules Committee recommends the Supreme Court give the request expedited consideration. The Supreme Court can determine whether it wants to publish for comment. The Rules Committee discussed this matter during its June 2014 meeting and unanimously recommends that the DMCJA Board submit this request to the Supreme Court Rules Committee.

If you have any questions regarding this recommendation, please let me know.

Attachments:

GR 9 Cover Sheet for CrRLJ 3.2 Proposed Comment, including text of Proposed Comment
SB 6414 (amendment to RCW 10.31.100)

GR 9 COVER SHEET

Suggested Amendment to WASHINGTON STATE COURT RULES: CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION

Add comment to CrRLJ 3.2(o): Release of Accused; Bail in Criminal Offense Cases--Mandatory Appearance

Submitted by the District & Municipal Courts Judges Association

- A. **Name of Proponent:** District & Municipal Courts Judges Association
- B. **Spokesperson:** Judge Veronica Alicea-Galvan, President
DMCJA
- C. **Purpose:** CrRLJ 3.2 governs issues regarding release of accused persons in courts of limited jurisdiction. Subsection (o), pertaining to bail in criminal offenses and mandatory appearance, provides:
- (1) When required to reasonably assure appearance in court, bail for a person arrested for a misdemeanor shall be \$500 and for a gross misdemeanor shall be \$1,000. In an individual case and after hearing the court for good cause recited in a written order may set a different bail amount.
 - (2) A court may adopt a local rule requiring that persons subjected to custodial arrest for a certain class of offenses be held until they have appeared before a judge.

In 2010 the Supreme Court adopted amendments to CrRLJ 3.2 to delete the bail forfeiture schedule for certain types of offenses. Those amendments went into effect in 2012. At that time, the \$500 bail for misdemeanors and the \$1,000 bail for gross misdemeanors was added. These amounts have not been amended since they went into effect.

In the 2014 the Legislature enacted SB 6413 amending RCW 10.14.100, adding a new subsection for when a police officer may arrest without a warrant. The new subsection provides: "A police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.503 or RCW 46.61.504 or an equivalent local ordinance and the police

officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years". A complete copy of the bill is provided below. RCW 46.61.503 involves the offense of Driving While Under the Influence (DUI) and RCW 46.61.504 involves the offense of Physical Control While Operating a Vehicle While Under the Influence (Physical Control).

The requirement for mandatory arrest and keeping the person in custody until a judicial officer sets bail or permits release on personal recognizance or court order for a second or subsequent DUI or Physical Control offense is not covered by the current bail rule. While CrRLJ 3.2(o)(2) allows courts of limited jurisdiction to enact a local rule for a certain "class of offenses", a second or subsequent DUI or Physical Control arrest is still within the same class of offense, gross misdemeanor offenses. The new amendment makes clear it is the intent of the Legislature that persons arrested for DUI or Physical Control, who have a defined "prior offense" within ten years, are to be arrested by the police and held in custody until a judicial officer sets bail or orders release. The uniform bail schedule contained in CrRLJ 3.2(o)(2) does not contemplate these circumstances.

The DMCJA is not requesting that CrRLJ 3.2(o) be amended to reflect this legislative amendment. However, because of the significance of this amendment, the DMCJA believes it may be helpful to reference this legislative enactment in CrRLJ 3.2(o) so that judges, attorneys and the public are aware of it. Therefore, DMCJA proposes a comment be added to CrRLJ 3.2(o). The full text of CrRLJ 3.2 and the proposed comment are set forth below.

COMMENT: In 2014 the Legislature adopted an amendment to RCW 10.14.100, subsection 14, which provides that a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.503 (Driving Under the Influence) or RCW 46.61.504 (Physical Control of a Vehicle Under the Influence) or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years.

The amendment to RCW 10.31.100 became effective July 12, 2014. Therefore, the DMCJA requests that this proposed comment be considered as expeditiously as possible

D. **Hearing:** A hearing is not requested.

E. **Expedited Consideration:** Expedited consideration is requested as the relevant legislation has already gone into effect.

Proposed Amendment

CrRLJ 3.2
RELEASE OF ACCUSED

If the court does not find, or a court has not previously found, probable cause, the accused shall be released without conditions.

(a) Presumption of Release in Noncapital Cases. Any person, other than a person charged with a capital offense, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 be ordered released on the accused's personal recognizance pending trial unless:

- (1) The court determines that such recognizance will not reasonably assure the accused's appearance, when required, or
- (2) There is shown a likely danger that the accused:
 - (a) will commit a violent crime, or
 - (b) will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice.

For the purpose of this rule, "violent crimes" may include misdemeanors and gross misdemeanors and are not limited to crimes defined as violent offenses in RCW 9.94A.030.

In making the determination herein, the court shall, on the available information, consider the relevant facts including, but not limited to, those in subsections (c) and (e) of this rule.

(b) Showing of Likely Failure to Appear—Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

- (1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

- (2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;
- (3) Require the execution of an unsecured bond in a specified amount;
- (4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;
- (5) Require the execution of a bond with sufficient solvent sureties or the deposit of cash in lieu thereof;
- (6) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or
- (7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required.

A court of limited jurisdiction may adopt a bail schedule for persons who have been arrested on probable cause but have not yet made a preliminary appearance before a judicial officer. The adoption of such a schedule or whether to adopt a schedule, is in the discretion of each court of limited jurisdiction, and may be adopted by majority vote. Bail schedules are not subject to GR 7. The supreme court may adopt a uniform bail schedule as an appendix to these rules.

If the court determines that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the accused's appearance.

(c) Relevant Factors—Future Appearance. In determining which conditions of release will reasonably assure the accused's appearance, the court shall, on the available information, consider the relevant facts including but not limited to:

- (1) The accused's history of response to legal process, particularly court orders to personally appear;

- (2) The accused's employment status and history, enrollment in an educational institution or training program, participation in a counseling or treatment program, performance of volunteer work in the community, participation in school or cultural activities or receipt of financial assistance from the government;
- (3) The accused's family ties and relationships;
- (4) The accused's reputation, character and mental condition;
- (5) The length of the accused's residence in the community;
- (6) The accused's criminal record;
- (7) The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;
- (8) The nature of the charge, if relevant to the risk of nonappearance;
- (9) Any other factors indicating the accused's ties to the community.

(d) Showing of Substantial Danger—Conditions of Release. Upon a showing that there exists a substantial danger that the accused will commit a violent crime or that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court may impose one or more of the following nonexclusive conditions:

- (1) Prohibit the accused from approaching or communicating in any manner with particular persons or classes of persons;
- (2) Prohibit the accused from going to certain geographical areas or premises;
- (3) Prohibit the accused from possessing any dangerous weapons or firearms, or engaging in certain described activities or possessing or consuming any intoxicating liquors or drugs not prescribed to the accused;
- (4) Require the accused to report regularly to and remain under the supervision of an officer of the court or other person or agency;
- (5) Prohibit the accused from committing any violations of criminal law;
- (6) Require the accused to post a secured or unsecured bond or deposit cash in lieu thereof, conditioned on compliance with all conditions of release. This condition may be imposed only if no less restrictive condition or combination of conditions would reasonably assure the safety of the community. If the court determines under this

section that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused financial resources for the purposes of setting a bond that will reasonably assure the safety of the community and prevent the defendant from intimidating witnesses or otherwise unlawfully interfering with the administration of justice.

(7) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(8) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(9) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or

(10) Impose any condition other than detention to assure noninterference with the administration of justice and reduce danger to others or the community.

(e) Relevant Factors—Showing of Substantial Danger. In determining which conditions of release will reasonably assure the accused's noninterference with the administration of justice, and reduce danger to others or the community, the court shall, on the available information, consider the relevant facts including but not limited to:

(1) The accused's criminal record;

(2) The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;

(3) The nature of the charge;

(4) The accused's reputation, character and mental condition;

(5) The accused's past record of threats to victims or witnesses or interference with witnesses or the administration of justice;

(6) Whether or not there is evidence of present threats or intimidation directed to witnesses;

(7) The accused's past record of committing offenses while on pretrial release, probation or parole; and

(8) The accused's past record of use of or threatened use of deadly weapons or firearms, especially to victim's or witnesses.

(f) Delay of Release. The court may delay release of a person in the following circumstances:

(1) If the person is intoxicated and release will jeopardize the person's safety or that of others, the court may delay release of the person or have the person transferred to the custody and care of a treatment center.

(2) If the person's mental condition is such that the court believes the person should be interviewed by a mental health professional for possible commitment to a mental treatment facility pursuant to RCW 71.05, the court may delay release of the person.

(3) Unless other grounds exist for continued detention, a person detained pursuant to this section must be released from detention not later than 24 hours after the preliminary appearance.

(g) Release in Capital Cases. Any person charged with a capital offense shall not be released in accordance with this rule unless the court finds that release on conditions will reasonably assure that the accused will appear for later hearings, will not significantly interfere with the administration of justice and will not pose a substantial danger to another or the community. If a risk of flight, interference or danger is believed to exist, the person may be ordered detained without bail.

(h) Release After Finding or Plea of Guilty. After a person has been found or pleaded guilty, the court may revoke, modify, or suspend the terms of release and/or bail previously ordered.

(i) Order for Release. A court authorizing the release of the accused under this rule shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform the accused of the penalties applicable to violations of the conditions of the accused's release and shall advise the accused that a warrant for the accused's arrest may be issued upon any such violation.

(j) Amendment or Revocation of Order.

(1) The court ordering the release of an accused on any condition specified in this rule may at any time on change of circumstances, new information or showing of good cause amend its order to impose additional or different conditions for release.

(2) Upon a showing that the accused has willfully violated a condition of release, the court may revoke release and may order forfeiture of any bond. Before entering an order revoking release or forfeiting bail, the court shall hold a hearing. Release may be revoked only if the violation is proved by clear and convincing evidence.

(k) Arrest for Violation of Conditions.

(1) Arrest with Warrant. Upon the court's own motion or a verified application by the prosecuting authority alleging with specificity that an accused has willfully violated a condition of the accused's release, a court shall order the accused to appear for immediate hearing or issue a warrant directing the arrest of the accused for immediate hearing for reconsideration of conditions of release pursuant to section (j).

(2) Arrest without Warrant. A law enforcement officer having probable cause to believe that an accused released pending trial for a felony is about to leave the state or has violated a condition of such release under circumstances rendering the securing of a warrant impracticable may arrest the accused and take him forthwith before the court for reconsideration of conditions of release pursuant to section (j).

(l) Evidence. Information stated in, or offered in connection with, any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(m) (Reserved.)

(n) Accused Released on Recognizance or Bail--Absence--Forfeiture. If the accused has been released on the accused's own recognizance, on bail, or has deposited money instead thereof, and does not appear when the accused's personal appearance is necessary or violates conditions of release, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for the accused's arrest.

(o) Bail in Criminal Offense Cases--Mandatory Appearance.

(1) When required to reasonably assure appearance in court, bail for a person arrested for a misdemeanor shall be \$500 and for a gross misdemeanor shall be \$1,000. In an individual case and after hearing the court for good cause recited in a written order may set a different bail amount.

(2) A court may adopt a local rule requiring that persons subjected to custodial arrest for a certain class of offenses be held until they have appeared before a judge.

COMMENT: In 2014 the Legislature adopted an amendment to RCW 10.14.100, subsection 14, which provides that a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.503 (Driving Under the Influence) or RCW 46.61.504 (Physical Control of a Vehicle Under the Influence) or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years.

(p) (Reserved.)

(q) (Reserved.)

[Amended effective September 1, 2002; April 1, 2003; September 1, 2005; amended June 2, 2010 effective July 1, 2012]

SENATE BILL 6413

AS AMENDED BY THE HOUSE

Passed Legislature - 2014 Regular Session

State of Washington 63rd Legislature 2014 Regular Session

By Senators Fain, Eide, Padden, Pearson, Hobbs, Angel, King, Becker,
Tom, Sheldon, Dammeier, Honeyford, Hill, O'Ban, Litzow, Brown,
Schoesler, and Rolfes

Read first time 01/24/14. Referred to Committee on Law & Justice.

1 AN ACT Relating to prior offenses for driving under the influence
2 or physical control of a vehicle under the influence; and amending RCW
3 46.61.5055 AND 10.31.100.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 Sec. 1. RCW 46.61.5055 and 2013 2nd sp.s. c 35 s 13 are each
6 amended to read as follows:

7 (1) No prior offenses in seven years. Except as provided in RCW
8 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation
9 of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven
10 years shall be punished as follows:

11 (a) Penalty for alcohol concentration less than 0.15. In the case
12 of a person whose alcohol concentration was less than 0.15, or for whom
13 for reasons other than the person's refusal to take a test offered
14 pursuant to RCW 46.20.308 there is no test result indicating the
15 person's alcohol concentration:

16 (i) By imprisonment for not less than one day nor more than three
17 hundred sixty-four days. Twenty-four consecutive hours of the
18 imprisonment may not be suspended unless the court finds that the
19 imposition of this mandatory minimum sentence would impose a

1 substantial risk to the offender's physical or mental well-being.
2 Whenever the mandatory minimum sentence is suspended, the court shall
3 state in writing the reason for granting the suspension and the facts
4 upon which the suspension is based. In lieu of the mandatory minimum
5 term of imprisonment required under this subsection (1)(a)(i), the
6 court may order not less than fifteen days of electronic home
7 monitoring. The offender shall pay the cost of electronic home
8 monitoring. The county or municipality in which the penalty is being
9 imposed shall determine the cost. The court may also require the
10 offender's electronic home monitoring device or other separate alcohol
11 monitoring device to include an alcohol detection breathalyzer, and the
12 court may restrict the amount of alcohol the offender may consume
13 during the time the offender is on electronic home monitoring; and

14 (ii) By a fine of not less than three hundred fifty dollars nor
15 more than five thousand dollars. Three hundred fifty dollars of the
16 fine may not be suspended unless the court finds the offender to be
17 indigent; or

18 (b) Penalty for alcohol concentration at least 0.15. In the case
19 of a person whose alcohol concentration was at least 0.15, or for whom
20 by reason of the person's refusal to take a test offered pursuant to
21 RCW 46.20.308 there is no test result indicating the person's alcohol
22 concentration;

23 (i) By imprisonment for not less than two days nor more than three
24 hundred sixty-four days. Forty-eight consecutive hours of the
25 imprisonment may not be suspended unless the court finds that the
26 imposition of this mandatory minimum sentence would impose a
27 substantial risk to the offender's physical or mental well-being.
28 Whenever the mandatory minimum sentence is suspended, the court shall
29 state in writing the reason for granting the suspension and the facts
30 upon which the suspension is based. In lieu of the mandatory minimum
31 term of imprisonment required under this subsection (1)(b)(i), the
32 court may order not less than thirty days of electronic home
33 monitoring. The offender shall pay the cost of electronic home
34 monitoring. The county or municipality in which the penalty is being
35 imposed shall determine the cost. The court may also require the
36 offender's electronic home monitoring device to include an alcohol
37 detection breathalyzer or other separate alcohol monitoring device, and

1 the court may restrict the amount of alcohol the offender may consume
2 during the time the offender is on electronic home monitoring; and

3 (ii) By a fine of not less than five hundred dollars nor more than
4 five thousand dollars. Five hundred dollars of the fine may not be
5 suspended unless the court finds the offender to be indigent.

6 (2) One prior offense in seven years. Except as provided in RCW
7 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation
8 of RCW 46.61.502 or 46.61.504 and who has one prior offense within
9 seven years shall be punished as follows:

10 (a) Penalty for alcohol concentration less than 0.15. In the case
11 of a person whose alcohol concentration was less than 0.15, or for whom
12 for reasons other than the person's refusal to take a test offered
13 pursuant to RCW 46.20.308 there is no test result indicating the
14 person's alcohol concentration:

15 (i) By imprisonment for not less than thirty days nor more than
16 three hundred sixty-four days and sixty days of electronic home
17 monitoring. In lieu of the mandatory minimum term of sixty days
18 electronic home monitoring, the court may order at least an additional
19 four days in jail or, if available in that county or city, a six-month
20 period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300
21 through 36.28A.390, and the court shall order an expanded alcohol
22 assessment and treatment, if deemed appropriate by the assessment. The
23 offender shall pay for the cost of the electronic monitoring. The
24 county or municipality where the penalty is being imposed shall
25 determine the cost. The court may also require the offender's
26 electronic home monitoring device include an alcohol detection
27 breathalyzer or other separate alcohol monitoring device, and may
28 restrict the amount of alcohol the offender may consume during the time
29 the offender is on electronic home monitoring. Thirty days of
30 imprisonment and sixty days of electronic home monitoring may not be
31 suspended unless the court finds that the imposition of this mandatory
32 minimum sentence would impose a substantial risk to the offender's
33 physical or mental well-being. Whenever the mandatory minimum sentence
34 is suspended, the court shall state in writing the reason for granting
35 the suspension and the facts upon which the suspension is based; and

36 (ii) By a fine of not less than five hundred dollars nor more than
37 five thousand dollars. Five hundred dollars of the fine may not be
38 suspended unless the court finds the offender to be indigent; or

1 (b) Penalty for alcohol concentration at least 0.15. In the case
2 of a person whose alcohol concentration was at least 0.15, or for whom
3 by reason of the person's refusal to take a test offered pursuant to
4 RCW 46.20.308 there is no test result indicating the person's alcohol
5 concentration:

6 (i) By imprisonment for not less than forty-five days nor more than
7 three hundred sixty-four days and ninety days of electronic home
8 monitoring. In lieu of the mandatory minimum term of ninety days
9 electronic home monitoring, the court may order at least an additional
10 six days in jail or, if available in that county or city, a six-month
11 period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300
12 through 36.28A.390, and the court shall order an expanded alcohol
13 assessment and treatment, if deemed appropriate by the assessment. The
14 offender shall pay for the cost of the electronic monitoring. The
15 county or municipality where the penalty is being imposed shall
16 determine the cost. The court may also require the offender's
17 electronic home monitoring device include an alcohol detection
18 breathalyzer or other separate alcohol monitoring device, and may
19 restrict the amount of alcohol the offender may consume during the time
20 the offender is on electronic home monitoring. Forty-five days of
21 imprisonment and ninety days of electronic home monitoring may not be
22 suspended unless the court finds that the imposition of this mandatory
23 minimum sentence would impose a substantial risk to the offender's
24 physical or mental well-being. Whenever the mandatory minimum sentence
25 is suspended, the court shall state in writing the reason for granting
26 the suspension and the facts upon which the suspension is based; and

27 (ii) By a fine of not less than seven hundred fifty dollars nor
28 more than five thousand dollars. Seven hundred fifty dollars of the
29 fine may not be suspended unless the court finds the offender to be
30 indigent.

31 (3) Two or three prior offenses in seven years. Except as provided
32 in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a
33 violation of RCW 46.61.502 or 46.61.504 and who has two or three prior
34 offenses within seven years shall be punished as follows:

35 (a) Penalty for alcohol concentration less than 0.15. In the case
36 of a person whose alcohol concentration was less than 0.15, or for whom
37 for reasons other than the person's refusal to take a test offered

1 pursuant to RCW 46.20.308 there is no test result indicating the
2 person's alcohol concentration;

3 (i) By imprisonment for not less than ninety days nor more than
4 three hundred sixty-four days, if available in that county or city, a
5 six-month period of 24/7 sobriety program monitoring pursuant to RCW
6 36.28A.300 through 36.28A.390, and one hundred twenty days of
7 electronic home monitoring. In lieu of the mandatory minimum term of
8 one hundred twenty days of electronic home monitoring, the court may
9 order at least an additional eight days in jail. The court shall order
10 an expanded alcohol assessment and treatment, if deemed appropriate by
11 the assessment. The offender shall pay for the cost of the electronic
12 monitoring. The county or municipality where the penalty is being
13 imposed shall determine the cost. The court may also require the
14 offender's electronic home monitoring device include an alcohol
15 detection breathalyzer or other separate alcohol monitoring device, and
16 may restrict the amount of alcohol the offender may consume during the
17 time the offender is on electronic home monitoring. Ninety days of
18 imprisonment and one hundred twenty days of electronic home monitoring
19 may not be suspended unless the court finds that the imposition of this
20 mandatory minimum sentence would impose a substantial risk to the
21 offender's physical or mental well-being. Whenever the mandatory
22 minimum sentence is suspended, the court shall state in writing the
23 reason for granting the suspension and the facts upon which the
24 suspension is based; and

25 (ii) By a fine of not less than one thousand dollars nor more than
26 five thousand dollars. One thousand dollars of the fine may not be
27 suspended unless the court finds the offender to be indigent; or

28 (b) Penalty for alcohol concentration at least 0.15. In the case
29 of a person whose alcohol concentration was at least 0.15, or for whom
30 by reason of the person's refusal to take a test offered pursuant to
31 RCW 46.20.308 there is no test result indicating the person's alcohol
32 concentration:

33 (i) By imprisonment for not less than one hundred twenty days nor
34 more than three hundred sixty-four days, if available in that county or
35 city, a six-month period of 24/7 sobriety program monitoring pursuant
36 to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of
37 electronic home monitoring. In lieu of the mandatory minimum term of
38 one hundred fifty days of electronic home monitoring, the court may

1 order at least an additional ten days in jail. The offender shall pay
2 for the cost of the electronic monitoring. The court shall order an
3 expanded alcohol assessment and treatment, if deemed appropriate by the
4 assessment. The county or municipality where the penalty is being
5 imposed shall determine the cost. The court may also require the
6 offender's electronic home monitoring device include an alcohol
7 detection breathalyzer or other separate alcohol monitoring device, and
8 may restrict the amount of alcohol the offender may consume during the
9 time the offender is on electronic home monitoring. One hundred twenty
10 days of imprisonment and one hundred fifty days of electronic home
11 monitoring may not be suspended unless the court finds that the
12 imposition of this mandatory minimum sentence would impose a
13 substantial risk to the offender's physical or mental well-being.
14 Whenever the mandatory minimum sentence is suspended, the court shall
15 state in writing the reason for granting the suspension and the facts
16 upon which the suspension is based; and

17 (ii) By a fine of not less than one thousand five hundred dollars
18 nor more than five thousand dollars. One thousand five hundred dollars
19 of the fine may not be suspended unless the court finds the offender to
20 be indigent.

21 (4) Four or more prior offenses in ten years. A person who is
22 convicted of a violation of RCW 46.61.502 or 46.61.504 shall be
23 punished under chapter 9.94A RCW if:

24 (a) The person has four or more prior offenses within ten years; or

25 (b) The person has ever previously been convicted of:

26 (i) A violation of RCW 46.61.520 committed while under the
27 influence of intoxicating liquor or any drug;

28 (ii) A violation of RCW 46.61.522 committed while under the
29 influence of intoxicating liquor or any drug;

30 (iii) An out-of-state offense comparable to the offense specified
31 in (b) (i) or (ii) of this subsection; or

32 (iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

33 (5) Monitoring.

34 (a) Ignition interlock device. The court shall require any person
35 convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent
36 local ordinance to comply with the rules and requirements of the
37 department regarding the installation and use of a functioning ignition

1 interlock device installed on all motor vehicles operated by the
2 person.

3 (b) Monitoring devices. If the court orders that a person refrain
4 from consuming any alcohol, the court may order the person to submit to
5 alcohol monitoring through an alcohol detection breathalyzer device,
6 transdermal sensor device, or other technology designed to detect
7 alcohol in a person's system. The person shall pay for the cost of the
8 monitoring, unless the court specifies that the cost of monitoring will
9 be paid with funds that are available from an alternative source
10 identified by the court. The county or municipality where the penalty
11 is being imposed shall determine the cost.

12 (c) Ignition interlock device substituted for 24/7 sobriety program
13 monitoring. In any county or city where a 24/7 sobriety program is
14 available and verified by the Washington association of sheriffs and
15 police chiefs, the court shall:

16 (i) Order the person to install and use a functioning ignition
17 interlock or other device in lieu of such period of 24/7 sobriety
18 program monitoring,

19 (ii) Order the person to a period of 24/7 sobriety program
20 monitoring pursuant to subsections (1) through (3) of this section; or

21 (iii) Order the person to install and use a functioning ignition
22 interlock or other device in addition to a period of 24/7 sobriety
23 program monitoring pursuant to subsections (1) through (3) of this
24 section.

25 (6) Penalty for having a minor passenger in vehicle. If a person
26 who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed
27 the offense while a passenger under the age of sixteen was in the
28 vehicle, the court shall:

29 (a) Order the use of an ignition interlock or other device for an
30 additional six months;

31 (b) In any case in which the person has no prior offenses within
32 seven years, and except as provided in RCW 46.61.502(6) or
33 46.61.504(6), order an additional twenty-four hours of imprisonment and
34 a fine of not less than one thousand dollars and not more than five
35 thousand dollars. One thousand dollars of the fine may not be
36 suspended unless the court finds the offender to be indigent;

37 (c) In any case in which the person has one prior offense within
38 seven years, and except as provided in RCW 46.61.502(6) or

1 46.61.504(6), order an additional five days of imprisonment and a fine
2 of not less than two thousand dollars and not more than five thousand
3 dollars. One thousand dollars of the fine may not be suspended unless
4 the court finds the offender to be indigent;

5 (d) In any case in which the person has two or three prior offenses
6 within seven years, and except as provided in RCW 46.61.502(6) or
7 46.61.504(6), order an additional ten days of imprisonment and a fine
8 of not less than three thousand dollars and not more than ten thousand
9 dollars. One thousand dollars of the fine may not be suspended unless
10 the court finds the offender to be indigent.

11 (7) Other items courts must consider while setting penalties. In
12 exercising its discretion in setting penalties within the limits
13 allowed by this section, the court shall particularly consider the
14 following:

15 (a) Whether the person's driving at the time of the offense was
16 responsible for injury or damage to another or another's property;

17 (b) Whether at the time of the offense the person was driving or in
18 physical control of a vehicle with one or more passengers;

19 (c) Whether the driver was driving in the opposite direction of the
20 normal flow of traffic on a multiple lane highway, as defined by RCW
21 46.04.350, with a posted speed limit of forty-five miles per hour or
22 greater; and

23 (d) Whether a child passenger under the age of sixteen was an
24 occupant in the driver's vehicle.

25 (8) Treatment and information school. An offender punishable under
26 this section is subject to the alcohol assessment and treatment
27 provisions of RCW 46.61.5056.

28 (9) Driver's license privileges of the defendant. The license,
29 permit, or nonresident privilege of a person convicted of driving or
30 being in physical control of a motor vehicle while under the influence
31 of intoxicating liquor or drugs must:

32 (a) Penalty for alcohol concentration less than 0.15. If the
33 person's alcohol concentration was less than 0.15, or if for reasons
34 other than the person's refusal to take a test offered under RCW
35 46.20.308 there is no test result indicating the person's alcohol
36 concentration:

37 (i) Where there has been no prior offense within seven years, be
38 suspended or denied by the department for ninety days;

1 (ii) Where there has been one prior offense within seven years, be
2 revoked or denied by the department for two years; or

3 (iii) Where there have been two or more prior offenses within seven
4 years, be revoked or denied by the department for three years;

5 (b) Penalty for alcohol concentration at least 0.15. If the
6 person's alcohol concentration was at least 0.15:

7 (i) Where there has been no prior offense within seven years, be
8 revoked or denied by the department for one year;

9 (ii) Where there has been one prior offense within seven years, be
10 revoked or denied by the department for nine hundred days; or

11 (iii) Where there have been two or more prior offenses within seven
12 years, be revoked or denied by the department for four years; or

13 (c) Penalty for refusing to take test. If by reason of the
14 person's refusal to take a test offered under RCW 46.20.308, there is
15 no test result indicating the person's alcohol concentration:

16 (i) Where there have been no prior offenses within seven years, be
17 revoked or denied by the department for two years;

18 (ii) Where there has been one prior offense within seven years, be
19 revoked or denied by the department for three years; or

20 (iii) Where there have been two or more previous offenses within
21 seven years, be revoked or denied by the department for four years.

22 The department shall grant credit on a day-for-day basis for any
23 portion of a suspension, revocation, or denial already served under
24 this subsection for a suspension, revocation, or denial imposed under
25 RCW 46.20.3101 arising out of the same incident.

26 Upon its own motion or upon motion by a person, a court may find,
27 on the record, that notice to the department under RCW 46.20.270 has
28 been delayed for three years or more as a result of a clerical or court
29 error. If so, the court may order that the person's license, permit,
30 or nonresident privilege shall not be revoked, suspended, or denied for
31 that offense. The court shall send notice of the finding and order to
32 the department and to the person. Upon receipt of the notice from the
33 court, the department shall not revoke, suspend, or deny the license,
34 permit, or nonresident privilege of the person for that offense.

35 For purposes of this subsection (9), the department shall refer to
36 the driver's record maintained under RCW 46.52.120 when determining the
37 existence of prior offenses.

1 (10) Probation of driving privilege. After expiration of any
2 period of suspension, revocation, or denial of the offender's license,
3 permit, or privilege to drive required by this section, the department
4 shall place the offender's driving privilege in probationary status
5 pursuant to RCW 46.20.355.

6 (11) Conditions of probation. (a) In addition to any
7 nonsuspendable and nondeferrable jail sentence required by this
8 section, whenever the court imposes up to three hundred sixty-four days
9 in jail, the court shall also suspend but shall not defer a period of
10 confinement for a period not exceeding five years. The court shall
11 impose conditions of probation that include: (i) Not driving a motor
12 vehicle within this state without a valid license to drive and proof of
13 liability insurance or other financial responsibility for the future
14 pursuant to RCW 46.30.020; (ii) not driving or being in physical
15 control of a motor vehicle within this state while having an alcohol
16 concentration of 0.08 or more or a THC concentration of 5.00 nanograms
17 per milliliter of whole blood or higher, within two hours after
18 driving; and (iii) not refusing to submit to a test of his or her
19 breath or blood to determine alcohol or drug concentration upon request
20 of a law enforcement officer who has reasonable grounds to believe the
21 person was driving or was in actual physical control of a motor vehicle
22 within this state while under the influence of intoxicating liquor or
23 drug. The court may impose conditions of probation that include
24 nonrepetition, installation of an ignition interlock device on the
25 probationer's motor vehicle, alcohol or drug treatment, supervised
26 probation, or other conditions that may be appropriate. The sentence
27 may be imposed in whole or in part upon violation of a condition of
28 probation during the suspension period.

29 (b) For each violation of mandatory conditions of probation under
30 (a)(i), (ii), or (iii) of this subsection, the court shall order the
31 convicted person to be confined for thirty days, which shall not be
32 suspended or deferred.

33 (c) For each incident involving a violation of a mandatory
34 condition of probation imposed under this subsection, the license,
35 permit, or privilege to drive of the person shall be suspended by the
36 court for thirty days or, if such license, permit, or privilege to
37 drive already is suspended, revoked, or denied at the time the finding
38 of probation violation is made, the suspension, revocation, or denial

1 then in effect shall be extended by thirty days. The court shall
2 notify the department of any suspension, revocation, or denial or any
3 extension of a suspension, revocation, or denial imposed under this
4 subsection.

5 (12) Waiver of electronic home monitoring. A court may waive the
6 electronic home monitoring requirements of this chapter when:

7 (a) The offender does not have a dwelling, telephone service, or
8 any other necessity to operate an electronic home monitoring system.
9 However, if a court determines that an alcohol monitoring device
10 utilizing wireless reporting technology is reasonably available, the
11 court may require the person to obtain such a device during the period
12 of required electronic home monitoring;

13 (b) The offender does not reside in the state of Washington; or

14 (c) The court determines that there is reason to believe that the
15 offender would violate the conditions of the electronic home monitoring
16 penalty.

17 Whenever the mandatory minimum term of electronic home monitoring
18 is waived, the court shall state in writing the reason for granting the
19 waiver and the facts upon which the waiver is based, and shall impose
20 an alternative sentence with similar punitive consequences. The
21 alternative sentence may include, but is not limited to, use of an
22 ignition interlock device, the 24/7 sobriety program monitoring,
23 additional jail time, work crew, or work camp.

24 Whenever the combination of jail time and electronic home
25 monitoring or alternative sentence would exceed three hundred sixty-
26 four days, the offender shall serve the jail portion of the sentence
27 first, and the electronic home monitoring or alternative portion of the
28 sentence shall be reduced so that the combination does not exceed three
29 hundred sixty-four days.

30 (13) Extraordinary medical placement. An offender serving a
31 sentence under this section, whether or not a mandatory minimum term
32 has expired, may be granted an extraordinary medical placement by the
33 jail administrator subject to the standards and limitations set forth
34 in RCW 9.94A.728(3).

35 (14) Definitions. For purposes of this section and RCW 46.61.502
36 and 46.61.504:

37 (a) A "prior offense" means any of the following:

- 1 (i) A conviction for a violation of RCW 46.61.502 or an equivalent
2 local ordinance;
- 3 (ii) A conviction for a violation of RCW 46.61.504 or an equivalent
4 local ordinance;
- 5 ~~(iii) A conviction for a violation of RCW 46.25.110 or an~~
6 ~~equivalent local ordinance;~~
- 7 ~~(iv) A conviction for a violation of RCW 79A.60.040 or an~~
8 ~~equivalent local ordinance;~~
- 9 ~~(v) A conviction for a violation of RCW 47.68.220 or an equivalent~~
10 ~~local ordinance;~~
- 11 ~~(vi) A conviction for a violation of RCW 46.09.470(2) or an~~
12 ~~equivalent local ordinance;~~
- 13 ~~(vii) A conviction for a violation of RCW 46.10.490(2) or an~~
14 ~~equivalent local ordinance;~~
- 15 ~~(viii) A conviction for a violation of RCW 46.61.520 committed~~
16 ~~while under the influence of intoxicating liquor or any drug, or a~~
17 ~~conviction for a violation of RCW 46.61.520 committed in a reckless~~
18 ~~manner or with the disregard for the safety of others if the conviction~~
19 ~~is the result of a charge that was originally filed as a violation of~~
20 ~~RCW 46.61.520 committed while under the influence of intoxicating~~
21 ~~liquor or any drug;~~
- 22 ~~((+iv+)) (ix) A conviction for a violation of RCW 46.61.522~~
23 ~~committed while under the influence of intoxicating liquor or any drug,~~
24 ~~or a conviction for a violation of RCW 46.61.522 committed in a~~
25 ~~reckless manner or with the disregard for the safety of others if the~~
26 ~~conviction is the result of a charge that was originally filed as a~~
27 ~~violation of RCW 46.61.522 committed while under the influence of~~
28 ~~intoxicating liquor or any drug;~~
- 29 ~~((+v+)) (x) A conviction for a violation of RCW 46.61.5249,~~
30 ~~46.61.500, or 9A.36.050 or an equivalent local ordinance, if the~~
31 ~~conviction is the result of a charge that was originally filed as a~~
32 ~~violation of RCW 46.61.502 or 46.61.504, or an equivalent local~~
33 ~~ordinance, or of RCW 46.61.520 or 46.61.522;~~
- 34 ~~((+vi+)) (xi) An out-of-state conviction for a violation that would~~
35 ~~have been a violation of (a) (i), (ii), ~~((+iii+)) (viii),~~ ~~((+iv+)) (ix),~~~~
36 ~~or ~~((+v+)) (x)~~ of this subsection if committed in this state;~~
- 37 ~~((+vii+)) (xii) A deferred prosecution under chapter 10.05 RCW~~

1 granted in a prosecution for a violation of RCW 46.61.502, 46.61.504,
2 or an equivalent local ordinance;

3 ~~((viii))~~ (xiii) A deferred prosecution under chapter 10.05 RCW
4 granted in a prosecution for a violation of RCW 46.61.5249, or an
5 equivalent local ordinance, if the charge under which the deferred
6 prosecution was granted was originally filed as a violation of RCW
7 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW
8 46.61.520 or 46.61.522;

9 ~~((ix))~~ (xiv) A deferred prosecution granted in another state for
10 a violation of driving or having physical control of a vehicle while
11 under the influence of intoxicating liquor or any drug if the out-of-
12 state deferred prosecution is equivalent to the deferred prosecution
13 under chapter 10.05 RCW, including a requirement that the defendant
14 participate in a chemical dependency treatment program; or

15 ~~((x))~~ (xv) A deferred sentence imposed in a prosecution for a
16 violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent
17 local ordinance, if the charge under which the deferred sentence was
18 imposed was originally filed as a violation of RCW 46.61.502 or
19 46.61.504, or an equivalent local ordinance, or a violation of RCW
20 46.61.520 or 46.61.522;

21 If a deferred prosecution is revoked based on a subsequent
22 conviction for an offense listed in this subsection (14)(a), the
23 subsequent conviction shall not be treated as a prior offense of the
24 revoked deferred prosecution for the purposes of sentencing;

25 (b) "Treatment" means alcohol or drug treatment approved by the
26 department of social and health services;

27 (c) "Within seven years" means that the arrest for a prior offense
28 occurred within seven years before or after the arrest for the current
29 offense; and

30 (d) "Within ten years" means that the arrest for a prior offense
31 occurred within ten years before or after the arrest for the current
32 offense.

33 Sec. 2. RCW 10.31.100 and 2013 2nd sp.s. c 35 s 22 are each
34 amended to read as follows:

35 A police officer having probable cause to believe that a person has
36 committed or is committing a felony shall have the authority to arrest
37 the person without a warrant. A police officer may arrest a person

1 without a warrant for committing a misdemeanor or gross misdemeanor
2 only when the offense is committed in the presence of the officer,
3 except as provided in subsections (1) through (11) of this section.

4 (1) Any police officer having probable cause to believe that a
5 person has committed or is committing a misdemeanor or gross
6 misdemeanor, involving physical harm or threats of harm to any person
7 or property or the unlawful taking of property or involving the use or
8 possession of cannabis, or involving the acquisition, possession, or
9 consumption of alcohol by a person under the age of twenty-one years
10 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070
11 or 9A.52.080, shall have the authority to arrest the person.

12 (2) A police officer shall arrest and take into custody, pending
13 release on bail, personal recognizance, or court order, a person
14 without a warrant when the officer has probable cause to believe that:

15 (a) An order has been issued of which the person has knowledge
16 under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10,
17 26.26, 26.50, or 74.34 RCW restraining the person and the person has
18 violated the terms of the order restraining the person from acts or
19 threats of violence, or restraining the person from going onto the
20 grounds of or entering a residence, workplace, school, or day care, or
21 prohibiting the person from knowingly coming within, or knowingly
22 remaining within, a specified distance of a location or, in the case of
23 an order issued under RCW 26.44.063, imposing any other restrictions or
24 conditions upon the person; or

25 (b) A foreign protection order, as defined in RCW 26.52.010, has
26 been issued of which the person under restraint has knowledge and the
27 person under restraint has violated a provision of the foreign
28 protection order prohibiting the person under restraint from contacting
29 or communicating with another person, or excluding the person under
30 restraint from a residence, workplace, school, or day care, or
31 prohibiting the person from knowingly coming within, or knowingly
32 remaining within, a specified distance of a location, or a violation of
33 any provision for which the foreign protection order specifically
34 indicates that a violation will be a crime; or

35 (c) The person is sixteen years or older and within the preceding
36 four hours has assaulted a family or household member as defined in RCW
37 10.99.020 and the officer believes: (i) A felonious assault has
38 occurred; (ii) an assault has occurred which has resulted in bodily

1 injury to the victim, whether the injury is observable by the
2 responding officer or not; or (iii) that any physical action has
3 occurred which was intended to cause another person reasonably to fear
4 imminent serious bodily injury or death. Bodily injury means physical
5 pain, illness, or an impairment of physical condition. When the
6 officer has probable cause to believe that family or household members
7 have assaulted each other, the officer is not required to arrest both
8 persons. The officer shall arrest the person whom the officer believes
9 to be the primary physical aggressor. In making this determination,
10 the officer shall make every reasonable effort to consider: (i) The
11 intent to protect victims of domestic violence under RCW 10.99.010;
12 (ii) the comparative extent of injuries inflicted or serious threats
13 creating fear of physical injury; and (iii) the history of domestic
14 violence of each person involved, including whether the conduct was
15 part of an ongoing pattern of abuse (~~or~~

16 ~~(d) The person has violated RCW 46.61.502 or 46.61.504 or an~~
17 ~~equivalent local ordinance and the police officer has knowledge that~~
18 ~~the person has a prior offense as defined in RCW 46.61.5055 within ten~~
19 ~~years)).~~

20 (3) Any police officer having probable cause to believe that a
21 person has committed or is committing a violation of any of the
22 following traffic laws shall have the authority to arrest the person:

23 (a) RCW 46.52.010, relating to duty on striking an unattended car
24 or other property;

25 (b) RCW 46.52.020, relating to duty in case of injury to or death
26 of a person or damage to an attended vehicle;

27 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
28 racing of vehicles;

29 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
30 influence of intoxicating liquor or drugs;

31 (e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol
32 or THC in their system;

33 (f) RCW 46.20.342, relating to driving a motor vehicle while
34 operator's license is suspended or revoked;

35 (g) RCW 46.61.5249, relating to operating a motor vehicle in a
36 negligent manner.

37 (4) A law enforcement officer investigating at the scene of a motor
38 vehicle accident may arrest the driver of a motor vehicle involved in

1 the accident if the officer has probable cause to believe that the
2 driver has committed in connection with the accident a violation of any
3 traffic law or regulation.

4 (5) (a) A law enforcement officer investigating at the scene of a
5 motor vessel accident may arrest the operator of a motor vessel
6 involved in the accident if the officer has probable cause to believe
7 that the operator has committed, in connection with the accident, a
8 criminal violation of chapter 79A.60 RCW.

9 (b) A law enforcement officer investigating at the scene of a motor
10 vessel accident may issue a citation for an infraction to the operator
11 of a motor vessel involved in the accident if the officer has probable
12 cause to believe that the operator has committed, in connection with
13 the accident, a violation of any boating safety law of chapter 79A.60
14 RCW.

15 (6) Any police officer having probable cause to believe that a
16 person has committed or is committing a violation of RCW 79A.60.040
17 shall have the authority to arrest the person.

18 (7) An officer may act upon the request of a law enforcement
19 officer in whose presence a traffic infraction was committed, to stop,
20 detain, arrest, or issue a notice of traffic infraction to the driver
21 who is believed to have committed the infraction. The request by the
22 witnessing officer shall give an officer the authority to take
23 appropriate action under the laws of the state of Washington.

24 (8) Any police officer having probable cause to believe that a
25 person has committed or is committing any act of indecent exposure, as
26 defined in RCW 9A.88.010, may arrest the person.

27 (9) A police officer may arrest and take into custody, pending
28 release on bail, personal recognizance, or court order, a person
29 without a warrant when the officer has probable cause to believe that
30 an order has been issued of which the person has knowledge under
31 chapter 10.14 RCW and the person has violated the terms of that order.

32 (10) Any police officer having probable cause to believe that a
33 person has, within twenty-four hours of the alleged violation,
34 committed a violation of RCW 9A.50.020 may arrest such person.

35 (11) A police officer having probable cause to believe that a
36 person illegally possesses or illegally has possessed a firearm or
37 other dangerous weapon on private or public elementary or secondary
38 school premises shall have the authority to arrest the person.

1 For purposes of this subsection, the term "firearm" has the meaning
2 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning
3 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

4 (12) Except as specifically provided in subsections (2), (3), (4),
5 and (7) of this section, nothing in this section extends or otherwise
6 affects the powers of arrest prescribed in Title 46 RCW.

7 (13) No police officer may be held criminally or civilly liable for
8 making an arrest pursuant to subsection (2) or (9) of this section if
9 the police officer acts in good faith and without malice.

10 (14) A police officer shall arrest and keep in custody, until
11 release by a judicial officer on bail, personal recognizance, or court
12 order, a person without a warrant when the officer has probable cause
13 to believe that the person has violated RCW 46.61.502 or 46.61.504 or
14 an equivalent local ordinance and the police officer has knowledge that
15 the person has a prior offense as defined in RCW 46.61.5055 within ten
16 years.

Passed by the Senate March 10, 2014.

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JIS Standard		
Standard Name: Standards for Local Automated Court Record Systems		
Revision History	Date	Description
Version 1.0	6/2/2014	Draft for Review and Comment
Version 1.1	6/24/2014	Accepted agreed upon items from King County and Access to Justice comments
Version 1.2	6/25/2014	Accepted additional King County items after receipt of response from Joel McAllister (KC)
Version 1.3	7/1/2014	Added comments from Pierce and Snohomish Counties. Final edits as approved by the JISC

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PURPOSE

This standard contains the requirements for trial courts to interface independent, automated court record systems with the state Judicial Information System (JIS). These standards are necessary to ensure the integrity and availability of statewide data and information to enable open, just and timely resolution of all court matters.

AUTHORITY

RCW 2.68.010 established the Judicial Information System Committee (JISC).

"The judicial information system committee, as established by court rule, shall determine all matters pertaining to the delivery of services available from the judicial information system."

JISC Rule 1 describes the authority of the Administrative Office for the Courts (AOC) for the JIS.

"It is the intent of the Supreme Court that a statewide Judicial Information System be developed. The system is to be designed and operated by the Administrator for the Courts under the direction of the Judicial Information System Committee and with the approval of the Supreme Court pursuant to RCW 2.56. The system is to serve the courts of the state of Washington."

JISC Rule 13 gives the JISC specific responsibility and authority to review and approve county or city proposals to establish their own automated court record systems.

"Counties or cities wishing to establish automated court record systems shall provide advance notice of the proposed development to the Judicial Information System Committee and the Office of the Administrator for the Courts 90 days prior to the commencement of such projects for the purpose of review and approval."

RCW 2.68.050 directs the electronic access to judicial information.

"The supreme court, the court of appeals and all superior and district courts, through the judicial information system committee, shall:

- (1) Continue to plan for and implement processes for making judicial information available electronically;*
- (2) Promote and facilitate electronic access to the public of judicial information and services;*
- (3) Establish technical standards for such services;*
- (4) Consider electronic public access needs when planning new information systems or major upgrades of information systems;*
- (5) Develop processes to determine which judicial information the public most wants and needs;*

- (6) Increase capabilities to receive information electronically from the public and transmit forms, applications and other communications and transactions electronically;*
- (7) Use technologies that allow continuous access twenty-four hours a day, seven days per week, involve little or no cost to access, and are capable of being used by persons without extensive technology ability; and*
- (8) Consider and incorporate wherever possible ease of access to electronic technologies by persons with disabilities.”*

RCW 2.56.030 describes the powers and duties of the AOC. The following subsections apply to this standard:

- (1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;*
- (2) Examine the state of the dockets of the courts and determine the need for assistance by any court;*
- (4) Collect and compile statistical and other data and make reports of the business transacted by the courts, and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;*
- (6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;*
- (7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;*
- (11) Examine the need for new superior court and district court judge positions under an objective workload analysis. The results of the objective workload analysis shall be reviewed by the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that an objective workload analysis become the basis for creating additional district and superior court positions, and recommendations should address that objective;”*

The Supreme Court of Washington Order No. 25700-B-440 directs the establishment of the Washington State Center for Court Research within the AOC. The order authorizes the collection of data under RCW 2.56.030 for the purpose of: objective and informed research to reach major policy decisions; and to evaluate and respond to executive and legislative branch research affecting the operation of the judicial branch.

The Supreme Court of Washington Order No. 25700-B-449 adopting the Access to Justice Technology Principles. The order states the intent that the Principles guide the use of technology in the Washington State court system and by all other persons,

agencies, and bodies under the authority of this Court. The Order further states that these Principles should be considered with other governing law and court rules in deciding the appropriate use of technology in the administration of the courts and the cases that come before such courts, and should be so considered in deciding the appropriate use of technology by all other persons, agencies and bodies under the authority of this Court.

GUIDANCE

JIS Baselines Services: In its strategic planning efforts throughout recent years, the JISC recognized the need to identify baseline services to guide development initiatives. The JISC established the JIS Baseline Services Workgroup in June 2010. The Workgroup published a report that specified data to be shared and identified common processes needed for Washington State Courts. On October 7th, 2011, the JISC approved a resolution that: *“the JIS Baseline Services be referenced in planning of all court information technology projects.”* As such, the report is used as a guideline for section ‘B’ – Shared Data and section ‘C’ – Common Processes.

The Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative Data Analysis: Recommendation of Standards: This report contains recommendations for a common set of standards for data collection, analysis, and reporting.

The Washington State Access to Justice Technology Principles should be used for technologies in the Washington State justice system. The Access to Justice Technology Principles apply to all courts of law, all clerks of court and court administrators and to all other persons or part of the Washington justice system under the rule-making authority of the Court.

SCOPE

The information in this standard applies to all Washington State Superior Courts and Courts of Limited Jurisdiction (CLJ) operating a Local Automated Court Record System. Juvenile Departments are included in the scope as each is a division within a Superior Court. It does not include Supreme and Appellate courts as their systems are, by statute, fully supported by the AOC. However, all systems supported by the AOC for all court levels are subject to these standards.

DEFINITIONS

“Statewide court data” refers to data needed for sharing between courts, judicial partners, public dissemination, or is required for statewide compilation in order to facilitate the missions of the Washington Courts, justice system partners, and the AOC.

“Local Automated Court Record System” is any local electronic court records technology system that is the source of judicial data identified in section B below.

“The Judicial Information System (JIS)” is the collection of systems, managed by the AOC, that serve the courts and includes the corresponding databases, data exchanges, and electronic public data access.

“Data Exchange” is a process that makes data available in an electronic form from one computer server to another so that an automated system can process it. Exchanges involve data moving from the AOC to other destinations and data coming into the AOC from external sources.

“The National Information Exchange Model (NIEM)” is an XML-based information exchange framework from the United States. NIEM represents a collaborative partnership of agencies and organizations across all levels of government (federal, state, tribal, and local) and with private industry. The purpose of this partnership is to effectively and efficiently share critical information at key decision points throughout the whole of the justice, public safety, emergency and disaster management, intelligence, and homeland security enterprise.

“Information Exchange Program Documentation (IEPD)” is the documentation (schemas, specifications, meta-data, and other artifacts) describing the data exchange. A developer builds an IEPD from business requirements in order for the IEPD to include both business and technical artifacts that define the information exchange taking place between multiple parties.

STANDARDS

The following subsections provide the standards for courts that implement and operate a Local Automated Court Record System. There are six subsections:

- Subsection ‘A’, General: provides references to RCW’s, Court General Rules, and JISC rules that must be followed.
- Section ‘B’, Shared Data: contains the data that must be provided by the Local Automated Court Record System to the statewide JIS.
- Subsection ‘C’, Common Process: provides guidance to provide consistency and quality in the content of the shared data identified in subsection ‘B’ - Shared Data.
- Subsection ‘D’, Security: identifies the AOC security standards that apply for data sharing and access to the statewide JIS.
- Subsection ‘E’, Technical: provides the technical requirements that are required for the exchange of data between systems.
- Subsection ‘F’, responsibilities: provides information on what is expected to be performed by the local courts and by the AOC.

A. GENERAL

General Standards describe high-level shared data and business processes that are needed so that a court's implementation and operation of a Local Automated Court Record System does not have a negative impact on the public, other courts, justice system partners, and the AOC. The following existing authoritative references provide the high level standards to be used. Inclusion of these rules provides an easy reference for the courts on what statutes, rules, and other items apply so that they can effectively plan for and operate a local system.

1. A court that implements a Local Court Automated Record System will continue to follow RCW's related to the JIS as applicable and prescribed by law. These include:
 - a) RCW 2.68 regarding the JIS;
 - b) RCW 26.50.160 regarding the JIS being the designated statewide repository for criminal and domestic violence case histories;
 - c) RCW 26.50.070(5) and RCW 7.90.120 regarding mandatory information required by JIS within one judicial day after issuance of protection orders ;
 - d) RCW 10.98.090 regarding reporting criminal dispositions to the Washington State Patrol (WSP) from the JIS;
 - e) RCW 10.97.045 regarding disposition data to the initiating agency and state patrol and;
 - f) RCW 10.98.100 regarding compliance audits of criminal history records.
2. A court that implements a Local Court Automated Record System will continue to follow Washington State Court General Rules (GR), specifically:
 - a) GR 15 for the destruction, sealing, and redaction of court records;
 - b) GR 22 for the access to family law and guardianship court records;
 - c) GR 31 for the access to court records and;
 - d) GR 31.1 for the access to administrative records
3. A court that implements a Local Court Automated Record System will continue to follow JIS rules, specifically:
 - a) Rule 5 regarding standard data elements;
 - b) Rule 6 regarding the AOC providing the courts standard reports;
 - c) Rule 7 regarding codes and case numbers;

- d) Rule 8 regarding retention;
- e) Rule 9 regarding the JIS serving as the communications link for courts with other courts and organizations and;
- f) Rule 10 regarding attorney identification numbers;
- g) Rule 11 regarding security;
- h) Rule 15 regarding data dissemination, including the local rules consistent with the JIS Data Dissemination Policy and;
- i) Rule 18 regarding removing juvenile data when only a truancy record exists.

B. SHARED DATA

These standards identify the data required to ensure that the existing JIS, the statewide data repository, and the Local Automated Court Record System databases are able to complete necessary transactions and provide synchronized information to users.

A court that implements a Local Court Automated Record System will send the shared data identified in these standards to the JIS. The court shall comply with these standards through direct data entry into a JIS system or by electronic data exchange.

This subsection is divided into four parts:

- The Shared Data Element Standards identify the data elements that require sharing.
- The Codes Standards specify the valid values contained in the shared data elements.
- The Data Element Time Standards provide the requirements for when the data is to be provided.
- Data Quality Standards that ensure that data is complete and correct.

Assumptions: There must be a thorough understanding of data exchanged between systems. Data elements must be translatable between systems. Changes to data and business rules which may affect the data must be reviewed, understood, and accepted by both the AOC and the Local Automated Court Record System providers.

1. Shared Data Standards:

JISC Rule 5 requires a standard court data element dictionary:

“A standard court data element dictionary for the Judicial Information System shall be prepared and maintained by the Administrator for the Courts with the approval of the Judicial Information System Committee. Any modifications, additions, or deletions from the standard court data element dictionary must be reviewed and approved by the Judicial Information System Committee.”

The standards listed below identify a standard number, title, business requirement, a rationale, shared data (business names), and applicable court levels. Appendix A is used to translate the 'Shared Data' name to a list of one or more data elements. Data exchange specifications for each element will be provided in the Information Exchange Package Documentation (IEPD) for Web Services or other specifications for bulk data exchanges.

(1)	Title	Party Information
	Requirement	Additions and updates to person data in accordance with the statewide person business rules.
	Rationale:	Needed for participation on a case; unique identification of litigants for statewide case history; location of parties for correspondence and contact; and serving of warrants.
	Shared Data	Person Organization Official Attorney Person Association Address Phone Email
	Court Level	Superior, Juvenile, and CLJ

(2)	Title	Case Filing and Update
	Requirement:	The initial filing and updates of all matters initiated in a Superior Court or Court of Limited Jurisdiction court. Also, the creation and update of juvenile referrals and diversions.
	Rationale:	Needed for statewide case statistics, judicial needs assessment, person case history, public information, and research.
	Shared Data	Case Significant Document Citation Case Relationship Process Control Number
	Court Level	Superior, Juvenile, and CLJ

(3)	Title	Case Participation
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	Requirement:	Creation and update of primary participants together with party type, party information, and relationships to other parties.
	Rationale:	Needed for judicial decision making, person case history, family courts, and public information.
	Shared Data	Participant Attorney Participant Association
	Court Level	Superior, Juvenile, and CLJ

(4)	Title	Case Charge
	Requirement:	Addition of original charges, amendments through final resolution.
	Rationale:	Needed for statewide case statistics, judicial decision making, person case history, sharing with judicial partners, and public information.
	Shared Data	Charge
	Court Level	Superior, Juvenile, and CLJ

(5)	Title	Significant Document Index Information
	Requirement:	Creation and update of index information on all significant documents (orders, judgments, stipulations, agreements, etc.) that are needed for statewide data sharing and caseload reporting.
	Rationale:	Needed for statewide case statistics, domestic violence processing, judicial decision making, firearms reporting, and voting rights.
	Shared Data	Significant Document Index Information Significant Document Parties
		Superior, Juvenile, and CLJ

(6)	Title	Warrant Information
	Requirement:	Order Issuing Warrant and status processing update through final disposition.
	Rationale:	Needed for cross jurisdictional warrant processing and judicial decision making.
	Shared Data	Warrant Information
	Court Level	Superior and CLJ

(7)	Requirement:	Failure To Appear (FTA)
	Requirement:	Order issuing FTA and status update process through final disposition.
	Rationale	Needed for judicial decision making and integration with Department of Licensing FTA and FTA adjudication.

	Shared Data	Failure to Appear
	Court level	CLJ

(8)	Title	Proceeding
	Requirement:	Creation and update of proceedings and associated outcomes.
	Rationale:	Needed for statewide statistics and judicial needs assessment.
	Shared Data	Proceeding
	Court Level	Superior and CLJ

(9)	Title	Case Status
	Requirement:	Case resolution, completion, and closure (with associated dates) together with a history of case-management statuses through which the case progresses, and the duration of each status.
	Rationale:	Needed for statewide statistics and judicial needs assessment.
	Shared Data	Case Status
	Court Level	Superior, Juvenile, and CLJ

(10)	Title	Case Conditions
	Requirement:	Creation and update of case outcome conditions that must be satisfied. These include, but are not limited to: items for a judgment and sentence, diversion agreement, probation violation, civil judgment, or other similar instruments.
	Rationale:	Needed for statewide statistics and compliance monitoring, research, and judicial decision making.
	Shared Data	Conditions
	Court Level	Superior, Juvenile, and CLJ

(11)	Title	Case Association
	Requirement:	Creation and update of related cases.
	Rationale:	Needed for consolidate cases, referral case association, appeals, and public information (judgment case to originating case).
	Shared Data	Case Association
	Court level	Superior, Juvenile, CLJ

(12)	Title	Accounting Case Detail
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	Requirement:	Sharing of case accounting for sharing between courts and the AOC information on receivables, payables and distributions.
	Rationale:	Needed for judicial decision making (obligations on a case), Legal Financial Obligation (LFO) billing, Court Local revenue Report, statistical reporting, research, and legislative analysis and financial auditing.
	Shared Data	Accounting Case Detail
	Court Level	Superior and CLJ

(13)	Title	Accounting Summary
	Requirement:	Creation and update of monthly ledger balance by Budgeting, Accounting, Reporting System (BARS) Account.
	Rationale:	Needed for statewide statistics and legislative analysis.
	Shared Data	Accounting Summary
	Court Level	Superior and CLJ

(14)	Title	Detention Episode
	Requirement:	Creation and update of detention episode summary information.
	Rationale:	Needed for statistical research aimed at the: reduction on the reliance of secure confinement; improvement of public safety; reduction of racial disparities and bias; cost savings; and support of juvenile justice reforms.
	Shared Data	Detention Episode Summary Detention Episode Population
	Court Level	Juvenile

2. Code Standards:

Code standards control what data values are used to represent a business event. For example, the finding of 'Guilty' for a charge count is represented by the letter 'G'.

JISC Rule 7 Codes and Case Numbers specifies that: *"The Administrator for the Courts shall establish, with the approval of the Judicial Information System Committee, a uniform set of codes and case numbering systems for criminal charges, civil actions, juvenile referrals, attorney identification, and standard disposition identification codes."*

The Shared Data Standards above identify the data that must be provided. The code standards provide the requirements for the data element values with standard values (e.g. codes). Appendix 'A' lists the shared data elements. All elements that have a name suffixed with the word 'Code' will have a set of valid values. The valid values will

be defined in the data exchange's IEPD. For courts that perform double data entry into JIS, the code values are those enforced by the JIS screens.

3. Data Element Time Standards:

Data Element Time Standards control the time in which a business event must be reported to the JIS. For example, a domestic violence protection order is required to be entered into the JIS within one judicial day after issuance. The domestic violence protection order time standards is based on statute.

The data element time standards are based on the following criteria:

- a) Statute;
- b) Court rules;
- c) Public safety;
- d) Judicial decision making; and
- e) Reporting needs.

The following time categories are used:

- a) 24 hours or less – data shall be provided no later than 24 hours after the business event occurred;
- b) Weekly – data shall be provided once a week. All activity for the previous week (Sunday thru Saturday) shall be provided one day after the close of business for the reporting week ending Saturday; and
- c) Monthly – data for the previous month shall be provided by the 10th day of the following month.

Time Standards Table

Id	Event	Time category
1	Case filings and updates for well-identified individuals. This is for both civil and non-civil cases in accordance with the person business rules (except for parking/vehicle related violations). Accounting Case Detail associated with these cases.	24 hours
2	Detention Daily Population	24 hours
3	Case filings and updates for non-well-identified individuals. Accounting Case Detail associated with these cases.	Weekly
4	Parking/vehicle related violations cases with non-well-identified persons. Accounting Case Detail associated with these cases.	Monthly
5	Accounting Summary	Monthly
6	Detention Summary	Monthly

4. DATA QUALITY

Local Automated Court Record Systems shall work with the AOC in compliance with Data Quality Service Level Agreements (SLA) to ensure that court data meets the data quality standards for critical data elements specified both locally and when exchanging data with central systems. This ensures quality information is transferred downstream and made available to the public. The SLA will also specify roles, responsibilities, notification, development of data quality rules between systems, measuring and monitoring processes between systems, escalation strategies, and timeliness of resolution for identified issues impacting quality of information for statewide data and information the AOC is required, by statute, to provide to external partners (i.e. background check data to the WSP).

Standards:

Local Automated Court Record Systems shall work with AOC to ensure that data has:

- a) Uniqueness: No entity exists more than once within the data set.
- b) Accuracy: The degree with which data correctly represents the "real-life" objects they are intended to model.
- c) Timeliness: Adheres to case management court time standards and transfer of information within expected time for accessibility and availability of information.
- d) Consistency: Data values in one data set are consistent with values in another data set.
- e) Completeness: Certain attributes are expected to be assigned values in a data set.
- f) Conformance: The degree to which instances of data are exchanged, stored or presented in a format consistent with other system similar attribute values.

C. COMMON PROCESS

Common process standards are needed to provide consistency and quality in the content of the shared data identified in subsection 'B', Shared Data. These processes are not mandatory unless required by law.

Assumptions: Local systems will operate independent of the JIS.

Standards:

1. A court should follow Person Business Rule 3.0 and all subsections when adding persons to the JIS database.
2. A court should record a date of death based only on official documentation received from Department of Health or from court orders.

3. A court should consult the JIS for statewide case history for a well identified individual unless the local court has an established process for using fingerprint and photo for identifying a person..
4. A court should consult the JIS for determining protection orders for an individual.
5. A court shall consult the JIS prior to entry of a final parenting plan (RCW 26.09.182).

D. SECURITY

This section provides security standards that shall be followed.

Assumption(s): Local Automated Court Record Systems shall ensure that data is properly secured, both locally and when exchanging data with central systems. The following standards are not intended to provide an exhaustive list of appropriate security controls. Rather, they provide minimums necessary to provide a reasonable level of protection for the exchange of court data. Local courts assume responsibility for the protection of all data in their custody and shall adhere to all relevant RCW's, General Rules of Court, Federal Regulations and other regulatory requirements.

Standards:

1. The court using the Local Automated Court Record System shall comply with the JIS IT Security Policy only as it applies to access and data exchange with the JIS. The JIS IT Security Policy directs that the AOC Information Technology Security Standards be followed. The standards that apply to the exchange of information are the AOC ISD Infrastructure Policies:
 - a) 1.10 regarding password security;
 - b) 1.11 regarding network access;
 - c) 1.15 regarding user account deletion;
 - d) 1.26 regarding firewall access;
 - e) 7.10 regarding incident response; and
 - f) 7.12 regarding audit records and auditable events.
2. When there are no documented JIS IT Policy/Standards, then the current version of the National Institute of Standards and Technology (NIST) 800-53 'Security and Privacy Controls for Federal Information Systems and Organizations' shall be used.

E. TECHNICAL

This set of standards will address the technical requirements that will impact the exchange of data between systems. These Technical Standards are for the integration between the statewide JIS and Local Court Automated Record Systems.

Assumption(s)

- None.

Standards:

1. Software interfaces shall conform to the following open industry standards:
 - a) Web Services through HTTP(s) based on WS-* Standards;
 - b) Content Access through HTTP/HTML based Web Sites;
 - c) File Drop through Secured File Transmission Protocol; and
 - d) IBM Message Queue Service.
2. Information Exchange Model shall conform to the National Information Exchange Model (NIEM) standards and as enhanced with the AOC JIS extensions.

RESPONSIBILITIES

As a court moves toward implementing their own system the services provided by the AOC and those provided by a local court will change. This section identifies services where there is an expectation for change in responsibility for providing services related to this standard. These are to be used to assist in planning for, transitioning to, and operating a Local Automated Court Record System.

Court Responsibilities:

1. A court shall be responsible for the development, maintenance, and operation of integration components to provide required data to the AOC.
2. A court shall be responsible for monitoring legislative and rule changes that impact their system and making the changes needed by the date required.
3. A court shall be responsible for its own disaster recovery plan, including data backups and restoration procedures.
4. A court shall ensure auditability of their system, including audit logs recording user activities, exceptions, and information security events necessary to detect and audit unauthorized information-processing activities.
5. A court shall use the codes list provided by the AOC.

AOC Responsibilities:

1. The AOC shall be responsible for the development, maintenance, and operation of integration components to consume data.
2. The AOC shall provide access to shared data through applications or data services.
3. The AOC shall publish a catalog of data exchange services.
4. The AOC should assist local courts in a technical advisory role in service usage.
5. The AOC shall publish code lists for the courts at least 60 days prior to the codes becoming effective.

The AOC shall be responsible to notify courts at least 60 days in advance of making any changes to any data exchange service which would require courts to make any corresponding revisions to their local data exchange services, and to work with the affected courts to minimize any such potential impact

Shared Responsibilities:

1. The AOC and the court will work cooperatively on processes for identifying, correcting, and monitoring data quality as specified in subsection B.4 issues.
2. The AOC and the court will coordinate disaster recovery testing for the integration components between the two systems.

REVIEW CYCLE

This standard is reviewed and updated as needed.

OWNERS

This JIS Standard supports JISC Rule 13 and is owned by the JISC.

APPENDIX A
Shared Data Elements

Data Standard	Element	
Accounting Summary	Court Code	Back
	Case Type Code	
	Jurisdiction Code	
	Accounting Date	
	BARS Account Number	
	Account Receivable Status Code	
	Debit Amount	
	Credit Amount	
	Net Amount	
Accounting Case Detail	Court Code	
	Transaction Identifier	Back
	Case Identifier	
	Person Identifier	
	Case Type Code	
	Jurisdiction Code	
	Accounting Date	
	Primary Law Number	
	Cost Fee Code	
	BARS Account Number	
	Accounting Amount	
	Transaction Code	
	Adjustment Code	
Account Receivable Status Code		
Address	Person Identifier	Back
	Address Line 1 Text	
	Address Line 2 Text	
	Address Line 3 Text	
	Address City Name	
	Address Postal Code	
	Address State Code	
	Address County Code	
	Address Country Code	
	Address Begin Date	
	Address End Date	
Address Change Reason Code	Back	
Case Association	Case Association Identifier	Back
	Case Identifier	

APPENDIX A
Shared Data Elements

Data Standard	Element	
	Case Association Type Code	
	Case Association Role Type Code	
Case	Case Identifier	Back
	Court Code	
	Case Number	
	Case Type Code	
	Law Enforcement Agency Code	
	Jurisdiction Code	
	Case Cause of Action Code	
	Case Filing Date	
	Case Title Text	
	Case Security Status Code	
Case Status	Case Identifier	Back
	Case Status Type Code	
	Case Status Code	
	Case Status Date	
Charge	Person Identifier	Back
	Case Identifier	
	Charge Identifier	
	Charge Information Number	
	Charge Information Date	
	Charge Amended Information Flag	
	Charge Count Number	
	Charge Amended Count Number	
	Charge Violation Date	
	Charge Primary Local Law Number	
	Charge Primary Standard Law Number	
	Charge Primary Result Code	
	Charge Primary Result Reason Code	
	Charge Primary Result Date	
	Charge Special Allegation Law Number	
	Charge Special Allegation Result Code	
	Charge Special Allegation Result Date	
	Charge Modifier Law Number	
	Charge Definition Law Number	
	Charge Domestic Violence Flag	

APPENDIX A
Shared Data Elements

Data Standard	Element	
	Charge Arraignment Date	
	Charge Plea Type Code	
	Charge Plea Date	
	Charge Sentence Date	
	Charge Sentence Judicial Official Identifier	
	Charge Same Course of Conduct Code	
	Charge Juvenile Disposition Offense Category Code	
Citation	Case Identifier	Back
	Originating Agency Identifier	
	Originating Agency Incident Number	
	Citation Amount	
	Citation Accident Flag	
	Citation Speed Zone Count	
	Citation Vehicle Speed Count	
	Citation Blood Alcohol Content Type	
	Citation Blood Alcohol Content Percent	
	Citation THC Type Code	
	Citation THC Level Count	
Condition	Case Identifier	Back
	Document Identifier	
	Condition Identifier	
	Person Identifier	
	Official Identifier	
	Condition Date	
	Condition Type Code	
	Condition Amount	
	Condition Time Count	
	Condition Time Unit Code	
	Condition Review Date	
	Condition Driver License Surrender Date	
	Condition Complied Code	
	Condition Complied Reason Code	
Detention Episode Population	Detention Episode Identifier	Back
	Detention Population Episode Reporting Date	
	Detention Population Reporting Time	
	Detention Population In Facility Flag	

APPENDIX A
Shared Data Elements

Data Standard	Element	
	Detention Population Out of Facility Reason Code	
Detention Episode Summary	Detention Episode Identifier	Back
	Person Identifier	
	Detention Episode Facility Code	
	Detention Episode Intake Code	
	Detention Episode Intake Date	
	Detention Episode Intake Time	
	Detention Episode Admission Reason Code	
	Detention Episode Admission Date	
	Detention Episode Admission Time	
	Detention Episode Primary Charge Code	
	Detention Episode Primary Charge Severity Code	
	Detention Episode Release Reason Code	
	Detention Episode Release Date	
	Detention Episode Release Time	
	Detention Episode Time Served Hours Count	
Email	Person Identifier	Back
	Email Type Code	
	Email Address Text	
	Email Begin Date	
	Email End Date	
Failure To Appear	Case Identifier	Back
	Person Identifier	
	FTA Order Date	
	FTA Issuance Date	
	FTA Return Adjudication Date	
	FTA Disposition Code	
	FTA Disposition Reason Code	
	FTA Adjudication Department Of Licensing Date	
Official	Official Identifier	Back
	Official Name	
	Organization Identifier	
	Official Title	
	Official Type Code	
	Official Sub Type Code	
Organization	Organization Identifier	Back

APPENDIX A
Shared Data Elements

Data Standard	Element	
	Organization Name	
	Organization Type Code	
	Organization Sub Type Code	
	Organization Begin Date	
	Organization End Date	
Participant	Case Identifier	Back
	Person Identifier	
	Participant Identifier	
	Participant Type Code	
	Participant Begin Date	
	Participant End Date	
	Participant Security Code	
Participant Association	Case Identifier	Back
	Participant Identifier	
	Participant Association Role Code	
	Participant Association Begin Date	
	Participant Association End Date	
Person	Person Identifier	Back
	Person First Name	
	Person Last Name	
	Person Middle Name	
	Person Birth Date	
	Person Death Date	
	Person Gender Code	
	Person Race Code	
	Person Ethnicity Code	
	Person Criminal Identification Number	
	Person Driver License Number	
	Person Driver License State Code	
	Person Driver License Expire Date	
	Person Department Of Corrections Number	
	Person Juvenile Number	
	Person FBI Number	
	Person Height Foot Count	
	Person Height Inch Count	
	Person Weight Count	

APPENDIX A
Shared Data Elements

Data Standard	Element	
	Person Eye Color Code	
	Person Hair Color Code	
	Person Physical Description Text	
	Person Language Code	
Person Association	Person Association Identifier	Back
	Person Identifier	
	Participant Identifier Role Code	
	Participant Association Begin Date	
	Participant Association End Date	
Phone	Person Identifier	
	Phone Type Code	Back
	Phone Number	
	Phone Begin Date	
	Phone End Date	
Proceeding	Case Identifier	Back
	Person Identifier	
	Proceeding Identifier	
	Proceeding Type Code	
	Proceeding Sub Type Code	
	Proceeding Schedule Date	
	Proceeding Schedule Time	
	Proceeding Schedule Court Room Number	
	Proceeding Schedule Official Person Identifier	
	Proceeding Actual Date	
	Proceeding Actual Time	
	Proceeding Actual Official Person Identifier	
	Proceeding Status Code	
	Proceeding Status Date	
	Proceeding Not Held Reason Code	
Process Control Number	Case Identifier	
	Person Identifier	
	Originating Agency Identifier	
	Process Control Number	
	Process Control Number Arrest Date	
	Process Control Number Date	

APPENDIX A
Shared Data Elements

Data Standard	Element	
Significant Document Index Information	Case Identifier	Back
	Document Identifier	
	Document Type Code	
	Document Number	
	Document File Date	
	Document Decision Code	
	Document Decision Date	
	Document Decision Reason Code	
	Document Expiration Date	
	Document Termination Date	
	Document Amount	
	Document Authorizing Judicial Official Identifier	
Significant Document Parties	Case Identifier	Back
	Document Identifier	
	Document Number	
	Document Party Person Identifier	
	Document Party Role Code	
	Document Part Decision Code	
Warrant	Case Identifier	Back
	Person Identifier	
	Warrant Order Date	
	Warrant Issuance Date	
	Warrant Cancelled Date	
	Warrant Recalled Date	
	Warrant Quashed Date	
	Return Adjudication Date	
	Warrant Disposition Code	
	Warrant Disposition Reason Code	
	Warrant Type Code	
	Warrant Service Date	
	Warrant Expire Date	
	Warrant Bail Amount	
	Warrant Fee Amount	
Warrant No Bail Flag		
Warrant Cash Bail Only Flag		
Warrant Issue Reason Code		

APPENDIX A
Shared Data Elements

Harvey, Sharon

From: McAleenan, Mellani
Sent: Thursday, July 24, 2014 3:22 PM
To: Madsen, Justice Barbara A.; 'Kevin Ringus'
Cc: Sullins, Nan; Marler, Dirk; Dietz, Callie; 'Sam Meyer (meyers@co.thurston.wa.us)'; Hinchcliffe, Shannon; Harvey, Sharon
Subject: DMCJA PDC complaint

Good afternoon – The PDC, on the recommendation of their staff, dismissed the complaint against Judges Meyer and Buckley, the DMCJA, and Thurston County today. Their rationale was that (a) Thurston County did not make prohibited expenditures, (b) the two judges were exempt from the requirements under the “casual lobbying” exemption (less than 4 times in a 3-month period), and (c) DMCJA complied with reporting requirements by filing through Melanie Stewart. They did note, however, that Melanie Stewart was not named in the complaint and that there were no allegations made against her (Perhaps implying that had she been named, the result would have been different.) and that they are having conversations with her, and she with DMCJA, about how she reports expenses.

This raises the potential question as to whether the judges would be considered to be lobbying by the PDC if they had engaged in more than 4 contacts. The DMCJA will be discussing these matters at their August 8th Board meeting. Judge Meyer has indicated that he may suggest DMCJA report but make clear that they do not concede that they were lobbying. They may also decide to request an AG opinion on behalf of the DMCJA.

Based on all of this, it is my recommendation that AOC hold off on making a request for an informal opinion from the AG until after the DMCJA Board meets. Please let me know if you are ok with this suggestion or if you would like to proceed differently.

Mellani McAleenan

Office of Judicial and Legislative Relations
Administrative Office of the Courts | 360.357.2113
Twitter: [@WaCourts](https://twitter.com/WaCourts) | [Facebook.com/WashingtonCourts](https://www.facebook.com/WashingtonCourts)



DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION SCHEDULE OF BOARD MEETINGS

2014-2015

<i>DATE</i>	<i>TIME</i>	<i>MEETING LOCATION</i>
<i>Friday, July 11, 2014</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Aug. 8, 2014</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Sunday, Sept 21, 2014</i>	9:00 – 12:00 noon	2014 Annual Judicial Conference, Spokane, WA
<i>Friday, Nov. 14, 2014</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Dec. 12, 2014</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Jan. 9, 2015</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Feb. 13, 2015</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, March 13, 2015</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, April 10, 2015</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>May 2015</i>	TBD	
<i>June 2015</i>	TBD	

AOC Staff: Sharon Harvey

(AOC Conference Room Reserved)

Updated: July 21, 2014

Harvey, Sharon

From: Harvey, Sharon
Sent: Friday, July 18, 2014 11:48 AM
To: 'DMCJABOARD@LISTSERV.COURTS.WA.GOV'
Subject: REMINDER: DMCJA Board Meeting Schedule for September/October 2014 - Please comment by July 18, 2014

Greetings DMCJA Board Members:

During the DMCJA Board Retreat, the Board discussed the possibility of holding a Board meeting in eastern Washington in October 2014. Judge Alicea-Galvan would like your feedback on the following two options:

Option #1: Cancel pre-Fall Conference Board meeting on Sunday, September 21, 2014, and instead meet in-person or by conference call on Friday, September 12, 2014. Arrange for lodging in Leavenworth on Thursday night, October 9, 2014, with a Board meeting from 9:00 a.m. to noon on Friday, October 10, 2014, followed by lunch with local judges and invited legislators.

Option #2: Keep the original Board meeting schedule, which includes meeting Sunday, September 21, 2014, at 9:00 a.m. prior to the Fall Conference at the Davenport Hotel in Spokane. October 10, 2014 falls just three weeks following the Fall Conference, therefore, an October meeting would not be held.

Please provide your feedback to me, Sharon R. Harvey, by **Friday, July 18, 2014**. Judge Alicea-Galvan will then make a decision and finalize arrangements. Thank you.

Sharon R. Harvey
Court Association Coordinator
Office of Trial Court Services and Judicial Education
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
(360) 705-5282
Sharon.Harvey@courts.wa.gov

2014-2015 District and Municipal Court Judges' Association Salary and Benefits Work Group

Listserv Address: DMCJASalaryandBenefits@listserv.courts.wa.gov

Members

Judge Mary C. Logan, Chair
Spokane Municipal Court
1100 W Mallon Ave
Spokane, WA 99260
509-622-5862
mlogan@spokanecity.org

Judge Franklin L. Dacca
Pierce County District Court
930 Tacoma Ave S Rm 239
Criminal Division
Tacoma, WA 98402-2115
253-798-7712
fdacca@co.pierce.wa.us

Judge Nathaniel B. Green
KCDC, South Division
340 E Main St Ste 101
Auburn, WA 98002-5548
206-263-1183
nathaniel.green@kingcounty.gov

Judge James Heller
Pierce County District Court
930 Tacoma Ave S Rm 239
Criminal Division
Tacoma, WA 98402-2115
253-798-7485
jheller@co.pierce.wa.us

Judge Adalia A. Hille
Ritzville District Court
210 W Broadway Ave
Ritzville, WA 99169-1360
509-659-1002
adaliah@co.adams.wa.us

AOC Staff
N/A

Charges

1. TBD

Budget

Budget: \$TBD

Updated 7/22/2014

N:\Programs & Organizations\DMCJA\Committees\14-15 COMMITTEE ROSTERS.doc

Harvey, Sharon

From: Hahn, Sondra
Sent: Tuesday, February 18, 2014 4:47 PM
To: 'sandyallen3@wamail.net'; 'brad.andersen@landerholm.com'; 'susanarb@centurylink.net'; 'chris@hagenlaw.net'; 'blauvelt@izglaw.com'; 'gblinn@cityoflakewood.us'; 'mbobbink@comcast.net'; Buzzard, James [iMail]; 'buzzardlaw@comcast.net'; 'buzzard9333@comcast.net'; 'ccrowell@east-wenatchee.com'; 'john@curryandwilliams.com'; 'bdmc_dane@yahoo.com'; 'tdecker@ci.port-orchard.wa.us'; 'billd@co.whitman.wa.us'; 'mike-madunlaw@wavecable.com'; 'debenger@centurytel.net'; 'tme22458@aol.com'; 'darrel.ellis@co.kittitas.wa.us'; 'jlfassbender@jcooney.com'; 'michelle.gehlsen@ci.bothell.wa.us'; 'buckleylaw2001@msn.com'; 'davidhatchlaw@comcast.net'; 'heslopr@ci.bonney-lake.wa.us'; 'khitchcock@qwestoffice.net'; 'judgehyde@yahoo.com'; 'kyle3658@yahoo.com'; 'timj@ci.sumner.wa.us'; 'rkayne@medical-lake.org'; 'rbkayne@comcast.net'; 'tgl@belcherswanson.com'; 'josephm@chehalislaw.com'; 'johnmaxwell1@charter.net'; 'dalemcbeth@rainierconnect.com'; 'smcculloch@bainbridgewa.gov'; 'dmendoza@ci.sunnyside.wa.us'; 'stevemichelslaw@hotmail.com'; 'johnm@mqaalaw.com'; 'petersend@pasco-wa.gov'; 'lportnoy@ci.lake-forest-park.wa.us'; 'kringus@cityoffice.org'; 'visitingjudge@frontier.com'; 'ssage@vs-law.net'; 'george@ci.shelton.wa.us'; 'scott@sbmhlaw.com'; 'wayne.stewart@mercergov.org'; 'wjstewart@techline.com'; 'brian@stileslaw.com'; 'mtdrick@cityofbuckley.com'; 'tolman@tolmankirkclucas.com'; 'kimberly.walden@tukwilawa.gov'
Cc: 'Steiner, David'; 'DavidSvaren'; 'sandyallen3@wamail.net'; Pardee, Michelle; Krebs, Jennifer; Hinchcliffe, Shannon; Hahn, Sondra
Subject: Follow-up survey - DMCJA Workgroup Part-time Municipal Courts - February 28 Deadline

The message below is forwarded on behalf of Judge Sandra Allen.

Greetings Part Time Municipal Court Judges.

In February 2011, the Administrative Office of the Courts (AOC) asked cities served by part-time municipal court judges to provide public records that would help develop an objective picture of the current state of Washington's part-time municipal courts. AOC staff analyzed the information it received from the cities, and was able to identify major themes and patterns. AOC Judicial Services Division Director Dirk Marler presented the findings from the public records requests to the DMCJA Board of Governors' meeting on February 10, 2012. A discussion draft of the report "Part-time Municipal Courts in Washington 2011" was also provided to the Board.

On February 10, 2012 the DMCJA created this workgroup in response to the Administrative Office of the Courts report Part-time Municipal Courts in Washington (AOC 2011) showing that judicial independence may be impinged by the relationship between many Washington cities and their part-time municipal court judges which is inconsistent with state law and the Code of Judicial Conduct. The workgroup's mission was to attempt to contact all Washington part-time municipal court judges concerning the recent data, and report back to the DMCJA with the workgroup's findings and recommendations.

The vast majority of part-time municipal court judges who did respond related that they have not observed any judicial independence issues in their jurisdictions. They report that their courts are running well, with the other two branches of city government consistently showing respect to the court. While acknowledging empathy to those few judges who reported situations to the contrary, the majority of part-time municipal court judges do not perceive a problem exists with their court for which DMCJA needs to attempt to create a solution.

A majority of part-time judges stated that they were working with their mayor and/or council to try to resolve the issues identified by AOC's report, and did not want the assistance of the DMCJA. Some judges believed that the issues found by AOC are based on old and outdated ordinances, and are not the practices or actual operations of their courts.

Based on the September 14, 2012 report of the workgroup, the DMCJA decided to wait a year and conduct a follow-up survey to assess whether the issues identified by AOC's report had been resolved by efforts made by the part-time judges working with their mayor and/or council. Your assistance in completing this follow-up survey would be appreciated.

Please complete the survey no later than February 28, 2014. Thanks for your cooperation.

<https://www.surveymonkey.com/s/ParttimeMuniCourts>

Thank you,

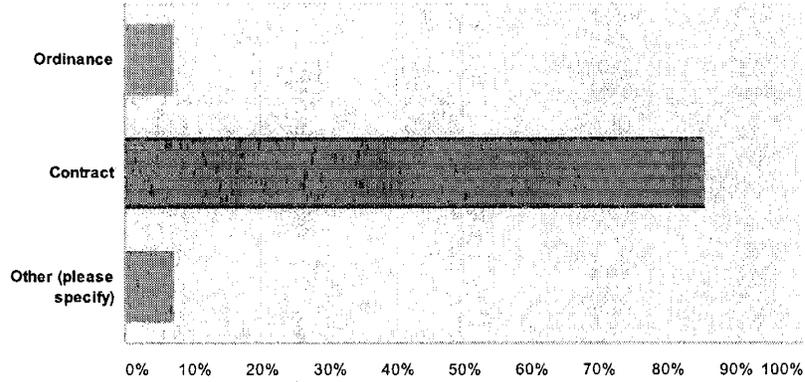
Sandra Allen

Chair DMCJA Workgroup Part-time Municipal Courts
DMCJA Board of Governors

2013 Part-time Municipal Court follow-up

Q1 Are the terms of your judicial appointment memorialized in

Answered: 14 Skipped: 0



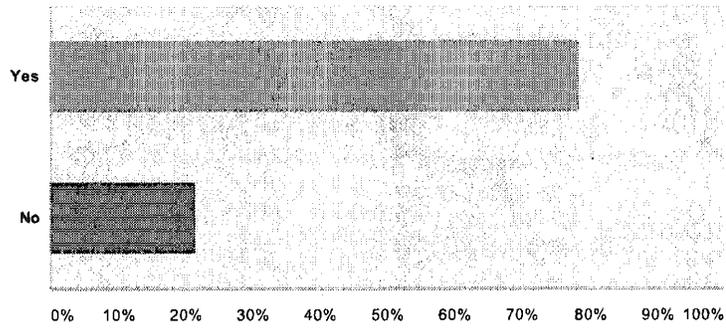
Answer Choices	Responses
Ordinance	7.14% 1
Contract	85.71% 12
Other (please specify)	7.14% 1
Total	14

#	Other (please specify)	Date
1	RCW 3.5	2/19/2014 8:26 AM

2013 Part-time Municipal Court follow-up

Q2 RCW 3.50.080 provides that a municipal judge's salary should be established by ordinance. Is your salary established in ordinance?

Answered: 14 Skipped: 0

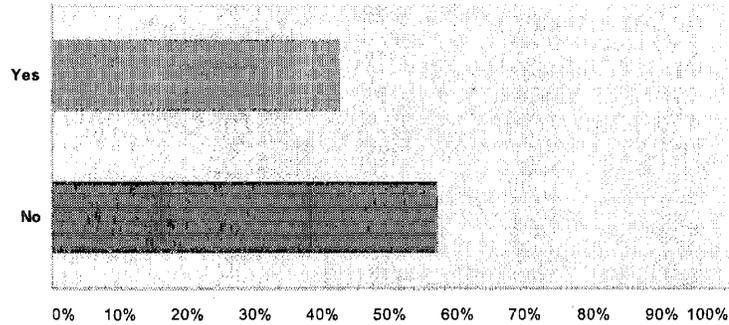


Answer Choices	Responses	
Yes	78.57%	11
No	21.43%	3
Total		14

2013 Part-time Municipal Court follow-up

Q3 Article XI, Section 8 of the Washington constitution states that a municipal officer's salary may not be diminished during the officer's term of office. A municipal court judge is a municipal officer. Do any of the documents governing your employment include a provision providing that your salary will not be reduced during your term of office?

Answered: 14 Skipped: 0



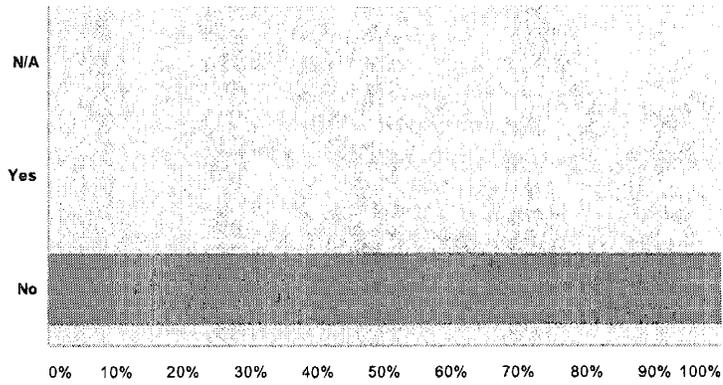
Answer Choices	Responses	
Yes	42.86%	6
No	57.14%	8
Total		14

#	Other (please specify)	Date
1	contract says no modification without the consent of both parties, including judge	2/21/2014 9:25 AM

2013 Part-time Municipal Court follow-up

Q4 If the answer to question 3 is No, do the documents governing your terms of employment provide that your salary can be reduced during your term of office?

Answered: 6 Skipped: 8



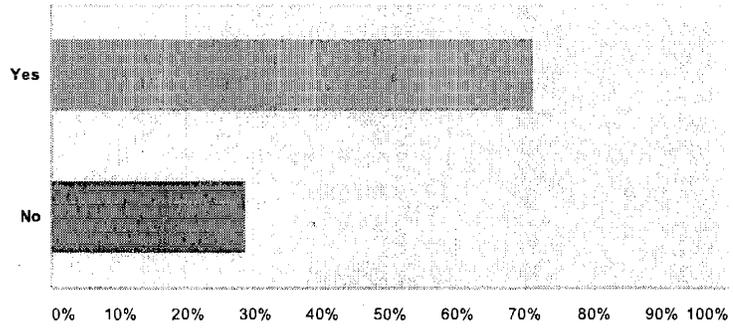
Answer Choices	Responses
N/A	0.00% 0
Yes	0.00% 0
No	100.00% 6
Total	6

#	Other (please specify)	Date
1	Maybe	2/19/2014 9:37 AM

2013 Part-time Municipal Court follow-up

Q5 Do the documents that govern your employment address termination or removal from office?

Answered: 14 Skipped: 0



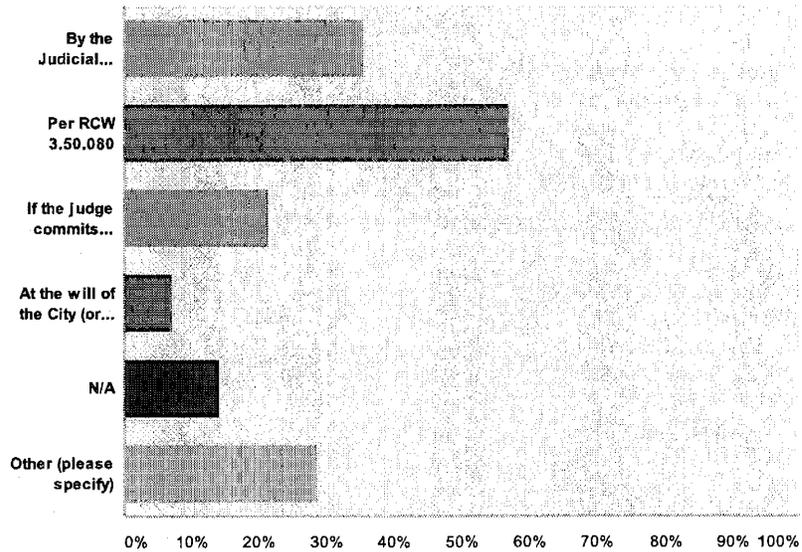
Answer Choices	Responses
Yes	71.43% 10
No	28.57% 4
Total	14

#	Other (please specify)	Date
	There are no responses.	

2013 Part-time Municipal Court follow-up

Q6 If termination or removal is addressed, is it provided for (check all that apply)

Answered: 14 Skipped: 0



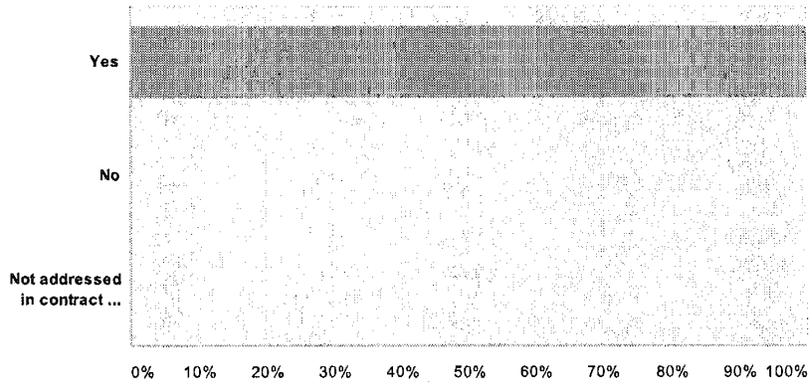
Answer Choices	Responses
By the Judicial Conduct Commission	35.71% 5
Per RCW 3.50.080	57.14% 8
If the judge commits malfeasance, misfeasance, or is subject to a disability	21.43% 3
At the will of the City (or mutual agreement of the parties)	7.14% 1
N/A	14.29% 2
Other (please specify)	28.57% 4
Total Respondents: 14	

#	Other (please specify)	Date
1	judge may choose to terminate employment upon 60 days notice	2/24/2014 9:18 AM
2	judge may choose to terminate employment upon 60 days notice	2/24/2014 9:17 AM
3	upon mutual agreement	2/21/2014 9:25 AM
4	If the City terminates the Municipal Court	2/18/2014 5:27 PM

2013 Part-time Municipal Court follow-up

Q7 RCW 3.50.040 states that judges should be appointed for a four-year term. Are you appointed to a four-year term?

Answered: 13 Skipped: 1



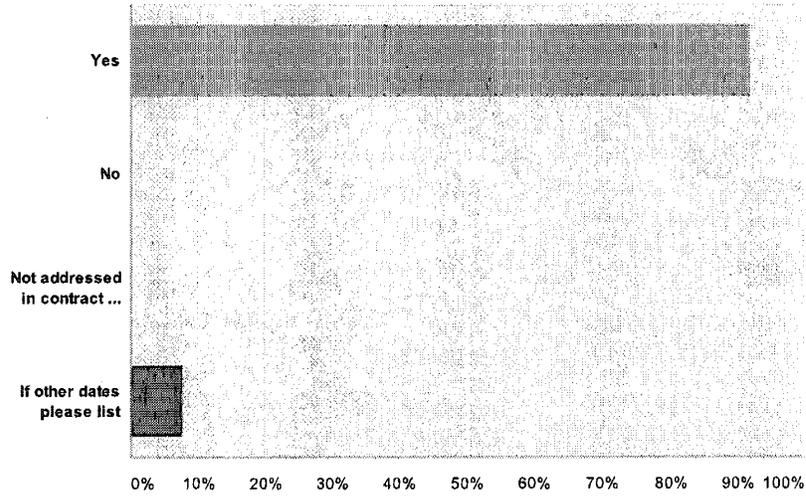
Answer Choices	Responses	
Yes	100.00%	13
No	0.00%	0
Not addressed in contract or ordinance	0.00%	0
Total		13

#	Other (please specify)	Date
	There are no responses.	

2013 Part-time Municipal Court follow-up

Q8 RCW 3.50.040 states that a judge's term should run from 1/1/2014 - 12/31/17. Does your term coincide with these dates?

Answered: 13 Skipped: 1



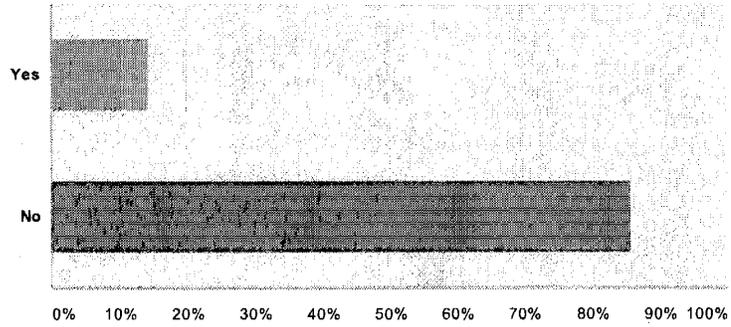
Answer Choices	Responses
Yes	92.31% 12
No	0.00% 0
Not addressed in contract or ordinance	0.00% 0
If other dates please list	7.69% 1
Total	13

#	If other dates please list	Date
1	1/12/2012 to 12/31/2015. Correction ordinance is already proposed.	2/21/2014 3:07 PM

2013 Part-time Municipal Court follow-up

Q9 Do the documents that govern your employment authorize anyone other than your to appoint and/or approve judges pro tempore?

Answered: 14 Skipped: 0

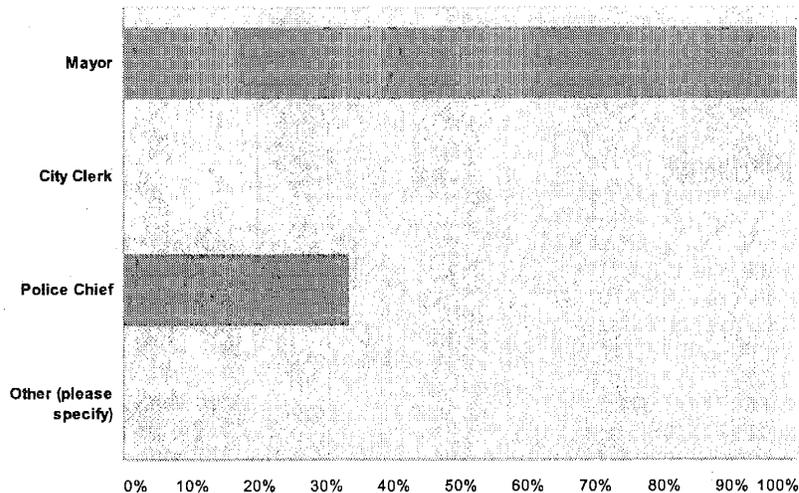


Answer Choices	Responses	
Yes	14.29%	2
No	85.71%	12
Total		14

2013 Part-time Municipal Court follow-up

Q10 If the answer to question 9 is yes, who is granted authority to appoint and/or approve judges pro tempore?

Answered: 3 Skipped: 11



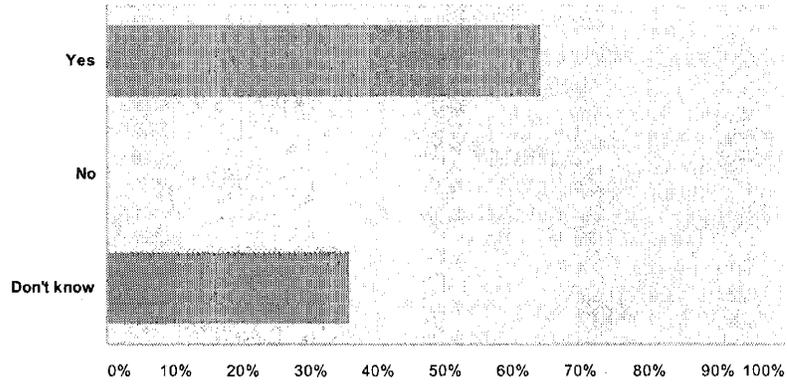
Answer Choices	Responses	
Mayor	100.00%	3
City Clerk	0.00%	0
Police Chief	33.33%	1
Other (please specify)	0.00%	0
Total Respondents: 3		

#	Other (please specify)	Date
	There are no responses.	

2013 Part-time Municipal Court follow-up

Q11 Does your city have an organizational chart?

Answered: 14 Skipped: 0

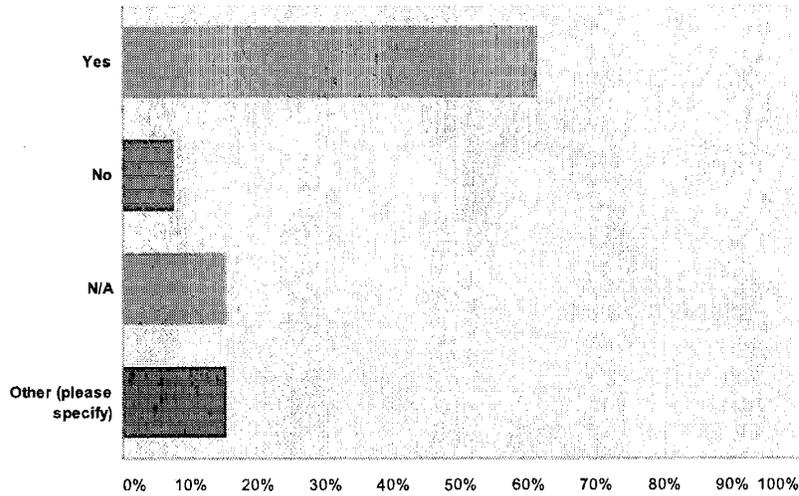


Answer Choices	Responses
Yes	64.29% 9
No	0.00% 0
Don't know	35.71% 5
Total	14

2013 Part-time Municipal Court follow-up

Q12 If your jurisdiction has an organizational chart, is the Judicial Branch depicted as a separate branch of government, consistent with GR 29?

Answered: 13 Skipped: 1



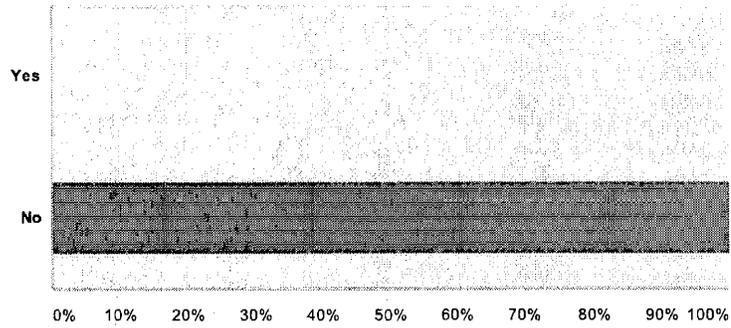
Answer Choices	Responses	
Yes	61.54%	8
No	7.69%	1
N/A	15.38%	2
Other (please specify)	15.38%	2
Total		13

#	Other (please specify)	Date
1	don't know	2/21/2014 9:25 AM
2	our police chief has the ability to do any thing he wants per the mayor	2/19/2014 8:26 AM

2013 Part-time Municipal Court follow-up

Q13 Do any employees of your court also work for and/or report to a supervisor in another branch of government?

Answered: 14 Skipped: 0

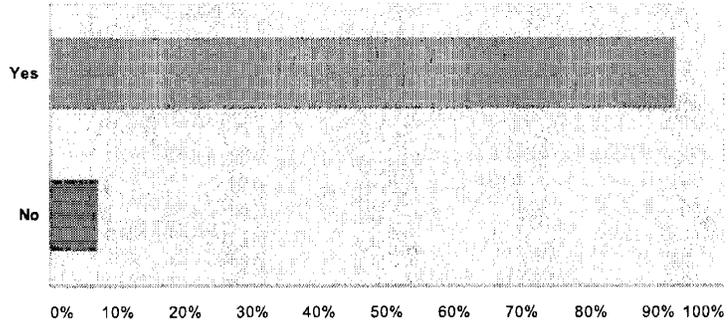


Answer Choices	Responses
Yes	0.00% 0
No	100.00% 14
Total	14

2013 Part-time Municipal Court follow-up

Q14 Is it your experience that heads of the legislative and executive branches of your city treat you as an equal as the head of the judicial branch of government?

Answered: 14 Skipped: 0



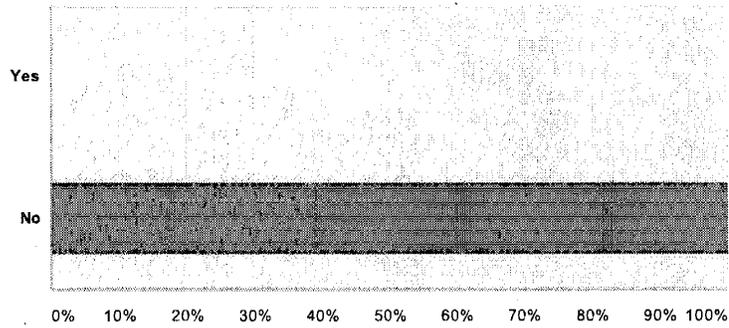
Answer Choices	Responses
Yes	92.86% 13
No	7.14% 1
Total	14

#	Other (please specify)	Date
	There are no responses.	

2013 Part-time Municipal Court follow-up

Q15 Do any of the city's ordinances or contract provisions conflict with the court's organizational independence?

Answered: 13 Skipped: 1



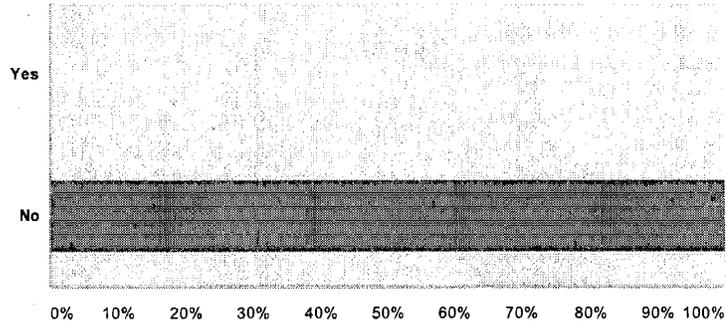
Answer Choices	Responses	
Yes	0.00%	0
No	100.00%	13
Total		13

#	Other (please specify)	Date
	There are no responses.	

2013 Part-time Municipal Court follow-up

Q16 Do any ordinances or contract provisions impinge upon your judicial autonomy in anyway?

Answered: 13 Skipped: 1



Answer Choices	Responses
Yes	0.00% 0
No	100.00% 13
Total	13

#	If yes, please explain	Date
	There are no responses.	

2013 Part-time Municipal Court follow-up

Q17 Is there anything else you would like to comment on regarding part-time judge issues or judicial independence within your jurisdiction?

Answered: 6 Skipped: 8

#	Responses	Date
1	I have been the judge for the City of Port Orchard for 14 years. During that time I have never felt "under the thumb" of the mayor, any department head or the city council. I have been given complete autonomy and there are no questions about my role. As an example, the Court locks its doors over the noon hour while other departments do not. When queried about this one of our council members stated clearly..."the court makes those decisions!" Let's face it, every judge, whether appointed or elected faces decisions at times that may be deemed "political" and all judges must be cognizant of the organizational structure in which they operate....and as well to community around them....this is not just the prevue of appointed judges. I agree with others that the DMCJA may wish to take on other issues. There are good judges and bad, some elected, some appointed. Personal integrity does not automatically come with being an elected judge, nor does the ability to do the right thing for those around you - both in terms of staff and those who appear before you. Tarrell S. Decker, Port Orchard Municipal Court	2/24/2014 9:18 AM
2	I have been the judge for the City of Port Orchard for 14 years. During that time I have never felt "under the thumb" of the mayor, any department head or the city council. I have been given complete autonomy and there are no questions about my role. As an example, the Court locks its doors over the noon hour while other departments do not. When queried about this one of our council members stated clearly..."the court makes those decisions!" Let's face it, every judge, whether appointed or elected faces decisions at times that may be deemed "political" and all judges must be cognizant of the organizational structure in which they operate....and as well to community around them....this is not just the prevue of appointed judges. I agree with others that the DMCJA may wish to take on other issues. There are good judges and bad, some elected, some appointed. Personal integrity does not automatically come with being an elected judge, nor does the ability to do the right thing for those around you - both in terms of staff and those who appear before you. Tarrell S. Decker, Port Orchard Municipal Court	2/24/2014 9:17 AM
3	I have no issues with independence in my jurisdiction. I run an excellent court!!	2/19/2014 11:13 AM
4	I have no issues with independence in my jurisdiction. I run an excellent court!!	2/19/2014 11:13 AM
5	there is no such thing as judicial independence in my city	2/19/2014 8:26 AM
6	My contract provides that I will consult with the mayor concerning any personnel changes, but I have the final word.	2/18/2014 5:11 PM

2013 Part-time Municipal Court follow-up

We are interested in knowing what documents govern your conditions of employment as a municipal court judge. Please take a moment to answer these questions.

1. Are the terms of your judicial appointment memorialized in

- Ordinance
- Contract
- Other (please specify)

2. RCW 3.50.080 provides that a municipal judge's salary should be established by ordinance. Is your salary established in ordinance?

- Yes
- No

3. Article XI, Section 8 of the Washington constitution states that a municipal officer's salary may not be diminished during the officer's term of office. A municipal court judge is a municipal officer. Do any of the documents governing your employment include a provision providing that your salary will not be reduced during your term of office?

- Yes
- No

Other (please specify)

NOT affirmatively. Salary has only increased over 35 yrs, never diminished

4. If the answer to question 3 is No, do the documents governing your terms of employment provide that your salary can be reduced during your term of office?

- N/A
- Yes
- No

Other (please specify)

5. Do the documents that govern your employment address termination or removal from office?

- Yes
- No

Other (please specify)

Before retiring some did

6. If termination or removal is addressed, is it provided for (check all that apply)

- By the Judicial Conduct Commission
- Per RCW 3.50.080
- If the judge commits malfeasance, misfeasance, or is subject to a disability
- At the will of the City (or mutual agreement of the parties)
- N/A
- Other (please specify)

Next we would like to ask some questions about your term of appointment.

7. RCW 3.50.040 states that judges should be appointed for a four-year term. Are you appointed to a four-year term?

- Yes
- No
- Not addressed in contract or ordinance

Other (please specify)

8. RCW 3.50.040 states that a judge's term should run from 1/1/2011 to 12/31/14. Does your term coincide with these dates?

- Yes
- No
- Not addressed in contract or ordinance
- If other dates please list

Next we would like to ask a few questions about organization and decision making of the court.

9. Do the documents that govern your employment authorize anyone other than your to appoint and/or approve judges pro tempore?

- Yes
- No

10. If the answer to question 9 is yes, who is granted authority to appoint and/or approve judges pro tempore?

- Mayor
- City Clerk
- Police Chief
- Other (please specify)

11. Does your city have an organizational chart?

- Yes
- No
- Don't know

12. If your jurisdiction has an organizational chart, is the Judicial Branch depicted as a separate branch of government, consistent with GR 29?

- Yes
- No
- N/A
- Other (please specify)

In all 5 courts in which I served.

quite honestly, this has been beaten to death

13. Do any employees of your court also work for and/or report to a supervisor in another branch of government?

- Yes
- No

14. Is it your experience that heads of the legislative and executive branches of your city treat you as an equal as the head of the judicial branch of government?

Yes

No

Other (please specify)

15. Do any of the city's ordinances or contract provisions conflict with the court's organizational independence?

Yes

No

Other (please specify)

16. Do any ordinances or contract provisions impinge upon your judicial autonomy in anyway?

Yes

No

If yes, please explain

17. Is there anything else you would like to comment on regarding part-time judge issues or judicial independence within your jurisdiction?

Has been an issue from time to time in both municipal & District courts (superior courts too, see G. H. County) more often an issue in Dist. Ct's. with Budgeting control over staff etc.

Done

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WASHINGTON
COURTS

DMCJA BOARD MEETING
FRIDAY, AUGUST 8, 2014
12:30 P.M. – 3:30 P.M.
AOC SEATAC OFFICE
SEATAC, WA

PRESIDENT JUDGE VERONICA ALICEA-GALVAN

SUPPLEMENTAL AGENDA

TAB

Call to Order

General Business

1

- A. Minutes – July 11, 2014
- B. Treasurer’s Report – *Judge Ahlf*
- C. Special Fund Report – *Judge Marinella*
- D. JIS Status Update – *Vicky Cullinane*

Liaison Reports

DMCMA MCA SCJA WSBA WSAJ AOC BJA

Action

2

- A. Electronic Law Enforcement Interface for Acquisition of Search Warrants (ELIAS) Charter Review
- B. Judicial Needs Estimate (JNE) Workgroup Recommendations Vote
- C. Rules Committee – *Judge Garrow*
 - 1. Proposed CrRLJ 3.2 (o) Amendment Regarding *Comment* Section
- D. Judicial Information System (JIS) Standard Comments

Discussion

3

- A. DMCJA Public Disclosure Commission (PDC) Complaint – *Judge Meyer*
 - 1. Correspondence Regarding PDC Conclusion
 - 2. Jeffrey S. Myers, Esquire is DMCJA Counsel for PDC Issue
 - 3. **Executive Summary and Staff Analysis** X
 - 4. **Judicial Advocacy and the Public Disclosure Commission** X
 - 5. **Correspondence Regarding Question Relating to Elected Officials** X
- B. Revised DMCJA Board Meeting Schedule Based on Survey Results
 - 1. 2014-2015 DMCJA Board Meeting Schedule
 - 2. October 2014 Off-Site Meeting Survey
- C. Salary and Benefits Work Group Funding
 - 1. 2014-2015 Salary and Benefits Work Group Roster
- D. Judicial Independence Survey Results

Other Business

- A. Next Meeting: 9:00 AM, Sunday, September 21, 2014, Spokane, WA

Adjourn

Executive Summary and Staff Analysis
District and Municipal Court Judges' Association (DMCJA);
Sam Meyer; Brett Buckley; and Thurston County
Complaint Tracking No. T14-107

This summary highlights staff's findings, conclusions, and recommendations regarding the allegations contained in a 45-day citizen action letter (complaint) filed on May 20, 2014 by Arthur West against the District and Municipal Court Judges' Association (DMCJA); Thurston County District Court Judges Sam Meyer and Brett Buckley; and Thurston County. The complaint was filed with the Washington Attorney General's Office (AGO) and the Thurston County Prosecuting Attorney's Office, and referred to the PDC by the AGO for investigation and possible action.

Allegations

Mr. West's complaint alleged that Sam Meyer, Brett Buckley, the DMCJA and Thurston County failed to register and report lobbying expenses related to activities undertaken by Judge Meyer and Judge Buckley during the 2012 and 2013 legislative sessions. He alleged that DMCJA directed Sam Meyer and Brett Buckley to lobby for the association, and then reimbursed Thurston County for its expenses in hiring pro-tem judges to serve in their place while they lobbied. He characterized the Thurston County's and DMCJA's expenses as unlawful lobbying expenditures and misappropriations of public funds.

Applicable Statutes

RCW 42.17A.635 authorizes agencies to expend public funds to lobby state legislation or rules, with certain limitations, and provides for the disclosure of lobbying expenditures in PDC filings. Certain lobbying, including in-person lobbying by elected officials, is exempt from the reporting requirement. Per the Commission's rules, agencies comply with RCW 42.17A.635 by filing the L-5 Lobbying by State and Local Government Agencies form.

RCW 42.17A.600 and **RCW 42.17A.615** require registration and reporting by private-sector lobbyists. Per the Commission's rules, the L-1 Lobbyist Registration and L-2 Lobbyist Monthly Expense Report are used to comply with RCW 42.17A.600 and RCW 42.17A.615.

RCW 42.17A.610 exempts certain lobbying from the registration and reporting requirements of RCW 42.17A.600 and RCW 42.17A.615, including 1) lobbying that is limited to testifying before public sessions of committees of the legislature, or public hearings of state agencies, 2) lobbying that, in addition to the public appearances described above, occurs on no more than four days or parts of days in any three-month period, and involves expenditures of no more than \$25 for or on behalf of state officials during the same period, and 3) uncompensated lobbying that involves no expenditures for or on behalf of state officials.

Investigative Findings

- In response to the complaint, Judge David Svaren, immediate past president of DMCJA, stated that DMCJA is not a public agency, but an association of judges organized under RCW 3.70 and registered as a non-profit corporation with the Washington Secretary of State. Judge Svaren stated that Judge Sam Meyer and Judge Brett Buckley are members of the DMCJA's legislative committee, with Judge Meyer serving as its chair. He stated that neither judge is compensated for his efforts on behalf of the association, including for his contact with members of the legislature. Judge Svaren stated that both judges are often able to arrange their schedules so that they can testify before hearings of the legislature without requiring pro tem judicial coverage; however, on occasion, a pro tem judge is required to handle the judges' cases in Thurston County District Court while the judge testifies. He stated that on such occasions, DMCJA provides reimbursement to the court for expenses it incurs for pro tem judicial coverage.
- In his response to the complaint, Judge David Svaren stated that DMCJA's lobbying activity was on behalf of the association, and had no relationship with Thurston County. In a separate response to the complaint, Thurston County Prosecuting Attorney Jon Tunheim concurred with Judge Svaren's response.
- Enclosed with Mr. West's citizen action complaint was a March 26, 2013 letter from Judge Sara Derr on behalf of DMCJA. In her letter, Judge Derr described DMCJA's reimbursements for pro tem judicial coverage for Judge Michelle Gehlsen, Judge Sam Meyer, and Judge Brett Buckley. The letter described one reimbursement on behalf of Judge Gehlsen, four reimbursements on behalf of Judge Meyer, and four reimbursements on behalf of Judge Buckley.
- The 2012 legislative session began on January 9, 2012. In separate responses to the complaint, Judge Sam Meyers and Judge Brett Buckley each stated that from that time to the present, in addition to their testimony before public sessions of the legislature, the judges had contact with state officials on no more than four days or parts of days in any three-month period, and made expenditures of no more than \$25 for or on behalf of state officials.
- DMCJA has a registered lobbyist, Melanie Stewart & Associates. Ms. Stewart's registration to lobby for the association during the 2012 legislative session was filed on January 18, 2011. Her current registration was filed on January 16, 2013. Ms. Stewart files monthly L-2 reports disclosing compensation and expenses incurred on behalf of DMCJA. With the exception of 2003 and 2005, DMCJA has filed L-3 Employer's Lobbying Expenses reports annually since

2001, disclosing the association's lobbying expenses incurred through Ms. Stewart or her firm.

Melanie Stewart & Associates was not named as a respondent in Mr. West's complaint, and the firm's compliance with applicable L-2 disclosure requirements was not an issue in the complaint. However, PDC staff has communicated to Ms. Stewart and to DMCJA legal counsel that, to the extent the association incurs expenses to allow its members to testify before public hearings of the legislature, the DMCJA's registered lobbyist is required to report those expenses on his or her monthly L-2 reports as an "other lobbying expense."

Conclusion

Staff's review of Arthur West's citizen action complaint and responses provided by DMCJA and Thurston County found that Thurston County did not make a prohibited expenditure for lobbying during the 2012 or 2013 legislative sessions. Rather, Thurston county engaged pro tem judicial coverage so that disruptions in staffing would not prevent court cases from being heard.

Staff's review found that during the 2012 and 2013 legislative sessions, Judge Sam Meyer and Judge Brett Buckley testified before public sessions of legislative committees but otherwise had contact with state officials on no more than four days or parts of days in any three-month period, and made expenditures of no more than \$25 for or on behalf of state officials. Accordingly, both judges were individually exempt from lobbyist registration and reporting requirements under the "casual lobbying" exemption in RCW 42.17A.610(5), and their activity did not require them to register or report as lobbyists on behalf of DMCJA.

Finally, staff's review found that DMCJA complied with applicable lobbyist registration and reporting requirements by filing joint L-1 registrations with Melanie Stewart & Associates, and disclosing compensation and expenses incurred for Ms. Stewart's services.

Recommendation

Based on the compliance of the named respondents with the requirements identified in the complaint, PDC staff recommends that the Commission:

- 1) Dismiss the allegations in the complaint against District and Municipal Court Judges' Association, Sam Meyer, Brett Buckley, and Thurston County; and

- 2) Recommend to the Attorney General and Prosecuting Attorney that no further action be taken.

May 20 2014
RECEIVED
H.L.B.

**TO: ATTORNEY GENERAL BOB FERGUSON,
THURSTON COUNTY PROSECUTOR,
AND THE WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION**

2014 MAY 20 PM 12: 43
ATTORNEY GENERAL
OF WASHINGTON

**RE: CITIZEN'S ACTION LETTER RE UNLAWFUL
LOBBYING BY THE DMCJA, SAM MEYER,
AND THURSTON COUNTY**

**FROM: ARTHUR WEST
120 State Ave #1497
Olympia, WA. 98501**

RECEIVED
MAY 21 2014

Public Disclosure Commission

COPY RECEIVED
THURSTON COUNTY
PROSECUTING ATTORNEY
MAY 20 2014
BY _____
TIME _____

Please consider this as a formal citizen's action letter under RCW 42.17.460 concerning the continuing unregistered lobbying activity and unreported lobbying expenditures by Sam Meyer, Brett Buckley, the Washington State District and Municipal Court Judges' Association and Thurston County.

The facts are as follows:

During the 2012-2013 legislative session the Washington State District and Municipal Court Judges Association, Sam Meyer, Brett Buckley and Thurston County colluded to make unlawful lobbying expenditures, misappropriate public funds, and engage in frequent, unreported, unlawful lobbying activity.

As testified to in open session by Sam Meyer, (while lobbying on behalf of the DMCJA) Thurston County unlawfully expended public funds to hire pro tem judges for the Thurston County District Court for the express purpose of allowing Sam Meyer to leave the bench to lobby the Legislature during business hours, while Meyer was employed full time as a Thurston County District Court Judge.

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MAY 21 2014

Public Disclosure Commission

Both Buckley and Meyer lobbied repeatedly during the session, apparently more than 4 times per month, often during regular business hours while employed full time as Thurston County judges, on behalf of the Association of Judges, with Thurston County paying their salaries and expending funds on pro tem judges to cover their lobbying related absences.

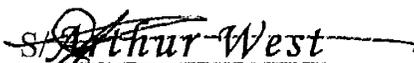
These expenditures were not authorized by law and were further not reported as legitimate lobbying expenditures. Nor were Judge Meyer or Judge Buckley registered as lobbyists for Thurston County or the DMCJA as required by RCW 42.17A.600. Nor were the DMCJA or Thurston County registered as lobbyist employers as required by State law.

As John Kingdon observes in *Agendas, Alternatives, and Public Policies*, (Boston: Little, Brown, 1984) ...judges cannot roam the corridors of Congress buttonholing members and pleading the case of the Courts.

This appears to be exactly what the DMCJA and Thurston County have improperly expended public funds to allow in regard to the lobbying activities of the Honorable Judges Buckley and Meyer.

In the absence of action on your part in 45 days, the complainant will submit a further 10 day letter and institute a citizen enforcement action.

Thank you for your consideration.


ARTHUR WEST

District and Municipal Court Judges' Association

RECEIVED

MAY 21 2014

Public Disclosure Commission

President

JUDGE SARA B. DERR
Spokane County District Court
Public Safety Building
1100 W Mallon Avenue
Spokane, WA 99260-0150
(509) 477-2959

March 26, 2013

President-Elect

JUDGE DAVID A. SVAREN
Skagit County District Court
600 S 3rd Street
PO Box 340
Mount Vernon, WA 98273-0340
(360) 336-9319

Mr. Arthur West
120 State Ave NE #1497
Olympia, WA 98501

Re: Records Request

Vice-President

JUDGE VERONICA ALICEA-GALVAN
Des Moines Municipal Court
21630 11th Ave S Ste C
Des Moines, WA 98198
(206) 878-4597

Dear Mr. West:

I am writing to you in my capacity as president of the Washington State District and Municipal Court Judges Association (DMCJA). Past President Gregory Tripp received a forwarded email from you requesting certain records.

Secretary/Treasurer

JUDGE DAVID STEINER
King County District Court
585 112th Ave. S.E.
Bellevue, WA 98004
(206) 205-9200

Your email indicated that you were making a request for public records pursuant to Chapter 42.56 RCW, the Washington Public Records Act. As I am sure you are aware, it is settled law that the PRA does not apply to the judicial branch of government. Please see, Nast v. Michels, 107 Wash. 2d 300 (1986) and its progeny. More recently, the Supreme Court reiterated this holding and also applied it to records related to the administration of the judicial branch of government:

More notably, the legislature has declined to modify the PRA's definitions of agency and public records in the 23 years since the Nast decision. This court presumes that the legislature is aware of judicial interpretations of its enactments and takes its failure to amend a statute following a judicial decision interpreting that statute to indicate legislative acquiescence in that decision. Soproni v. Polygon Apartment Partners, 137 Wash.2d 319, 327 n. 3, 971 P.2d 500 (1999). By not modifying the PRA's definition of agency to include the judiciary, the legislature has implicitly assented to our holding in Nast that the PRA does not apply to the judiciary and judicial records.

Past President

JUDGE GREGORY J. TRIPP
Spokane County District Court
Public Safety Building
1100 W Mallon Avenue
Spokane, WA 99260-0150
(509) 477-2965

City of Federal Way v. Koenig, 167 Wash.2d 341 (2009).

The DMCJA is an association of judges of limited jurisdiction courts in the state of Washington. We have no employees and are funded by member dues. Pursuant to RCW 3.70.040, the DMCJA is required to:

Board of Governors

JUDGE SANDRA L. ALLEN
Ruston/Milton Municipal Courts
(253) 759-8545

JUDGE JOSEPH M. BURROWES
Benton County District Court
(509) 7535-8476

JUDGE JEFFREY J. JAHNS
Kitsap County District Court
(360) 337-7033

JUDGE JUDY RAE JASPRICA
Pierce County District Court
(253) 798-3313

JUDGE MARY C. LOGAN
Spokane Municipal Court
(509) 622-4400

JUDGE G. SCOTT MARINELLA
Columbia County District Court
(509) 382-4812

JUDGE KELLEY C. OLWELL
Yakima Municipal Court
(509) 575-3050

JUDGE REBECCA C. ROBERTSON
Federal Way Municipal Court
(253) 835-3000

COMMISSIONER PETE SMILEY
Bellingham Municipal Court
(360) 778-8150

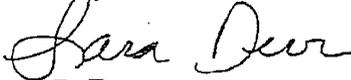
- (1) Continuously survey and study the operation of the courts served by its membership, the volume and condition of business of such courts, the methods of procedure therein, the work accomplished, and the character of the results;
- (2) Promulgate suggested rules for the administration of the courts of limited jurisdiction not inconsistent with the law or rules of the supreme court relating to such courts;
- (3) Report annually to the supreme court as well as the governor and the legislature on the condition of business in the courts of limited jurisdiction, including the association's recommendations as to needed changes in the organization, operation, judicial procedure, and laws or statutes implemented or enforced in these courts.

As this statute makes clear, the DMCJA is a part of the judicial branch of government in Washington State. Thus, the PRA does not apply to the DMCJA. For that reason we do not have any formal process for dealing with requests for information.

Nonetheless, we thank you for your interest in our association and would like to provide answers to the questions which seem to have spurred your interest. Judge Samuel Meyer is not a lobbyist; rather he chairs the Legislative Committee of the DMCJA. Melanie Stewart is a registered lobbyist for the DMCJA and has been paid \$35,000.00 this fiscal year (July 2012 to date). We have also reimbursed Ms. Stewart in the amount of \$626.01 for lobbying expenses during the same period. Pro tem reimbursements have been made for pro tem time for Judge Michelle Gehlsen, in the amount of \$227.50 (March 25, 2013); Judge Brett Buckley in the amounts of \$217.55 (August 2, 2012), \$135.96, \$54.38 and \$135.90 (March 25, 2013); and Judge Samuel Meyer in the amounts of \$136.00 (August 2, 2012), \$108.77, \$135.96 and \$108.77 (March 25, 2013).

Again, thank you for your interest in our association.

Sincerely,



Sara B. Derr
DMCJA President

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MAY 21 2014

Public Disclosure Commission

JUDICIAL ADVOCACY AND THE PUBLIC DISCLOSURE COMMISSION

Elected officials are exempt from registration under RCW 42.17.160 (10) but may, at their option, register and report under RCW 42.17.160(5)

In general, any person who restricts his or her lobbying efforts to no more than 4 days (or partial days) in any 3 month period and whose total expenditures on or for any one or more legislators or state elected officials or employees during that period do not exceed \$25 are not required to report their efforts.

RCW 42.17.160 (5) and RCW 42.17.190(5)(d)

Q. I called or emailed my legislators asking them to support a particular bill. Do I have to report this contact?

A. Telephone conversations and written communications, whether by email or on paper are not reportable. This is a general exception that applies equally to elected judges and non-elected court personnel such as court commissioners and court staff. RCW 42.17.190 (5)(d)

Q. I travelled to Olympia to meet with a legislator to discuss a particular bill. Do I have to report this contact?

A. It is not necessary to report in-person lobbying by an elected official. RCW 42.17.190 (5)(d)

Q. I travelled to Olympia to testify at a hearing. Do I have to report this contact?

A. Persons who limit their lobbying activities to testifying at public sessions of committees of the legislature are not required to report that contact. RCW 42.17.160(1)

Per the PDC's Manual of Reporting Instructions for Public Agency Lobbyists:

*In-person lobbying on behalf of an agency by all of its employees or lobbyists (excluding elected officials who lobby on behalf of an agency) totaling, in the aggregate for the agency, no more than four days (or parts of four days) during any three consecutive months is non-reportable. **In-person lobbying includes testifying at legislative committee and state agency hearings.** Monitoring committee or agency hearings does not constitute lobbying and does not count toward this four-day threshold.*

Elected judges are not required to report this contact. RCW 42.17.160(10)

Q. I had coffee or lunch with a legislator to discuss a particular bill and I paid for both of us. Do I have to report this expenditure?

A. The expenditure must be reported if all expenditures exceed \$15 total for the 3 month period. RCW 42.17.190(5)(d)

Q. I invited our local legislator to visit our court and observe court proceedings and shared information about court programs. Do I have to report this contact?

A. Elected judges are not required to report this contact. RCW 42.17.160(10).

Non-elected judicial officers and staff are not required to report this contact if it is limited to less than 4 times in and 3 month period. RCW 42.17.160(5) and RCW 42.17.190(5)(d)

“Lobbying” is defined as an attempt to influence the passage or defeat of any legislation. If the contact does not include “lobbying” as defined in RCW 42.17.020, it is not required to be reported by any person.

Harvey, Sharon

From: McAleenan, Mellani
Sent: Thursday, July 31, 2014 12:33 PM
To: Judge Samuel Meyer
Subject: Re: Question re elected officials

I was thinking about that, too. I'm not sure.

Sent from my iPhone, please excuse my brevity.

On Jul 31, 2014, at 12:12 PM, "Judge Samuel Meyer" <meyers@co.thurston.wa.us<mailto:meyers@co.thurston.wa.us>> wrote:

Thanks, although I still fail to understand how we could be considered part of the "private sector" when the DMCJA is a statutorily created entity and my membership in that entity is required. I wonder if it is worth it to raise with Mr. Perkins the concept that the DMCJA is neither part of the "private sector" nor a public agency and if that is the case what implications does that raise with the PDC if any.

Sam

>>> "McAleenan, Mellani" <Mellani.McAleenan@courts.wa.gov<mailto:Mellani.McAleenan@courts.wa.gov>>
07/31/2014 11:49 AM >>>
FYI

Regards,
Mellani

From: McAleenan, Mellani
Sent: Thursday, July 31, 2014 11:49 AM
To: 'Tony Perkins'
Cc: Phil Stutzman
Subject: RE: Question re elected officials

Thanks so much for the quick response! This is really helpful information.

Regards,
Mellani

From: Tony Perkins [mailto:tony.perkins@pdc.wa.gov]
Sent: Thursday, July 31, 2014 11:20 AM
To: McAleenan, Mellani
Cc: Phil Stutzman
Subject: RE: Question re elected officials

Dear Mellani,

Thanks for your email. In answering your question, there are a couple of different requirements and provisions of the PDC's lobbying disclosure laws that should be sorted out. Your Q&A and our prior correspondence dealt with the reporting requirements for public officials who lobby on behalf of their agency. The relevant section of law is RCW

42.17A.635<<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.17A.635>>, formerly RCW 42.17.190, and the required report is the L-5 form<http://www.pdc.wa.gov/filers/blank_forms/acrobat/lobbying/pdcl5.PDF>. As discussed in RCW 42.17A.635(5)(d)(v)(B), lobbying by elected officials is not reportable on the L-5 report, though it still constitutes lobbying. Expenditures of more than \$15 by elected officials from non-public funds in connection with such lobbying are reportable on the L-5, even if the officials' time is not. In all of the above, the important point is that the official's lobbying is performed on behalf of his or her agency.

In the case brought before the Public Disclosure Commission on July 24, 2014, PDC staff's review indicated that the lobbying at issue was not performed on behalf of the Thurston County District Court, but on behalf of the District & Municipal Court Judges Association (DMCJA). The DMCJA represented that it is not a public agency, but a private association of judges. Accordingly, PDC staff analyzed the facts to see whether judges lobbying on behalf of DMCJA were required to register and report their activity under our law's private-sector lobbying disclosure provisions, RCW 42.17A.600<<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.17A.600>> and RCW 42.17A.615<<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.17A.615>> (forms L-1<http://www.pdc.wa.gov/filers/blank_forms/acrobat/lobbying/pdcl1.PDF> and L-2<http://www.pdc.wa.gov/filers/blank_forms/acrobat/lobbying/pdcl2.PDF>), or if they were exempt from those requirements under one or more of the exemptions provided by RCW 42.17A.610<<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.17A.610>>. The facts indicated that Judge Sam Meyer and Judge Brett Buckley testified at public sessions of legislative committees, and apart from that, had lobbying contacts with state officials on no more than four days of parts of four days in any three-month period, and made no entertainment expenditures exceeding \$25. Accordingly, PDC staff reported to the Commission that Judge Meyer and Judge Buckley were individually exempt under RCW 42.17A.610(5) from the registration and reporting requirements of RCW 42.17A.600 and RCW 42.17A.615. (As explained in our Lobbyist Reporting Instruction Manual<<http://www.pdc.wa.gov/archive/filerassistance/manuals/pdf/2014/2014ManLob.pdf>>, PDC staff advises lobbyists that the "casual lobbying" exemption in RCW 42.17A.610[5] may be used in addition to the exemption in RCW 42.17A.610[1] for testimony before public sessions of legislative committees.) Had either judge exceeded the "casual lobbying" thresholds (four days/\$25), we would have advised them that they were individually required to register and report their lobbying activity on behalf of DMCJA.

Although we concluded in this instance that Judge Meyer and Judge Buckley had no individual registration and reporting requirement, because DMCJA conducts reportable lobbying through a contract lobbyist, expenses that the association incurs to support its lobbying efforts must be disclosed. RCW 42.17A.615(2) requires lobbyists to report "other expenses or services" for lobbying on the L-2 report; per WAC 390-20-020<<http://apps.leg.wa.gov/wac/default.aspx?cite=390-20-020>>, these expenses include payments for "expert witnesses and others retained to provide lobbying services or assistance in lobbying." As a lobbyist employer, DMCJA reports annually on the L-3 report<http://www.pdc.wa.gov/filers/blank_forms/acrobat/lobbying/pdcl3.PDF> required under RCW 42.17A.630<<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.17A.630>> and WAC 390-20-110<<http://apps.leg.wa.gov/wac/default.aspx?cite=390-20-110>>. If a lobbyist employer makes payments "to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort," and those expenses are not disclosed by the employer's registered lobbyist, then the employer must disclose the expenses on line 3b of the L-3 report.

As explained in the PDC's Lobbyist Employer Reporting Instruction Manual<<http://www.pdc.wa.gov/archive/filerassistance/manuals/pdf/2014/Lobbyist.Employer.Manual.2014.pdf>>, "The lobbying activities of casual lobbyists who are regular employees of the lobbyist employer are not reportable by the employer unless the employees exceed the limit imposed on casual lobbyists and register as lobbyists. However, if the employer uses the services of an 'outside' casual lobbyist (e.g., an independent expert witness), the compensation and expenses associated with the lobbying activities of that casual lobbyist are reportable by the employer regardless of any eventual registration requirements." (Emphasis added.)

Judge Meyer and Judge Buckley are not regular employees of DMCJA; accordingly, although the judges may not have an individual requirement to register and report their activity, the PDC's laws and rules do capture the expenses that the DMCJA incurs through the judges, to support the association's lobbying efforts.

I hope the above is helpful. Please let me know if I can clarify further. Note that I will be out of the office from tomorrow, August 1, 2014 through Friday, August 8, 2014. If you need help during that time, please contact Phil Stutzman, the PDC's Director of Compliance, at 664-8853, or by email at phil.stutzman@pdc.wa.gov<mailto:phil.stutzman@pdc.wa.gov>. I'll copy Phil on this email to let him know you may be calling.

Sincerely,

Tony Perkins
Lead Political Finance Specialist
Washington State Public Disclosure Commission
' (360) 586-1042
7 (360) 753-1112
: tony.perkins@pdc.wa.gov<mailto:tperkins@pdc.wa.gov>

From: McAleenan, Mellani [mailto:Mellani.McAleenan@courts.wa.gov]
Sent: Thursday, July 31, 2014 9:49 AM
To: Tony Perkins
Subject: RE: Question re elected officials

Hi Tony – In watching the events of the complaint by Arthur West unfold, I started to worry that I had been giving inaccurate advice all these years to the judges. But, when I went back and looked at our previous correspondence, I have been consistent over time. (Thankfully.) However, in reviewing this, I'm curious about something – if the time an elected official spends testifying is not considered reportable lobbying, then how could their pro tem time be required to be reported? I thought I understood from the meeting on Friday that the complaint against the judges is dismissed, which is terrific, but that you are working with Melanie Stewart to, perhaps, have her report that time? So, I am a little confused and want to make sure I get this right. Can you provide me with some guidance or clarification? Thanks very much!

Regards,
Mellani

From: Tony Perkins [mailto:tperkins@pdc.wa.gov]
Sent: Friday, August 22, 2008 8:29 AM
To: McAleenan, Mellani
Subject: RE: Question re elected officials

Dear Mellani,

Thanks for your email. I had only one comment; please see the notations I included in the attached markup, and let me know if you have any questions.

Sincerely,

Tony Perkins
Political Finance Specialist, PDC
(360) 586-1042

From: McAleenan, Mellani [mailto:Mellani.McAleenan@courts.wa.gov]
Sent: Wednesday, August 20, 2008 4:12 PM
To: Tony Perkins
Subject: Question re elected officials

Hi Tony – I am working on a Q&A for judges interacting with their legislators. I want to make sure I get it perfectly accurate so I was wondering if you, or someone at PDC, could take a quick look and tell me if I am accurate, where I am wrong, if I am missing anything, etc. I have attached a one 1/2 -page document. Your assistance would be greatly appreciated. Thank you in advance.

Mellani McAleenan
Executive Director - Policy & Planning
Administrative Office of the Courts
Temple of Justice
P.O. Box 41174
Olympia, WA 98504-1174
Office - (360) 357-2113
Cell - (360) 480-3320
Fax - (360) 956-5711
Mellani.McAleenan@courts.wa.gov<mailto:Mellani.McAleenan@courts.wa.gov>